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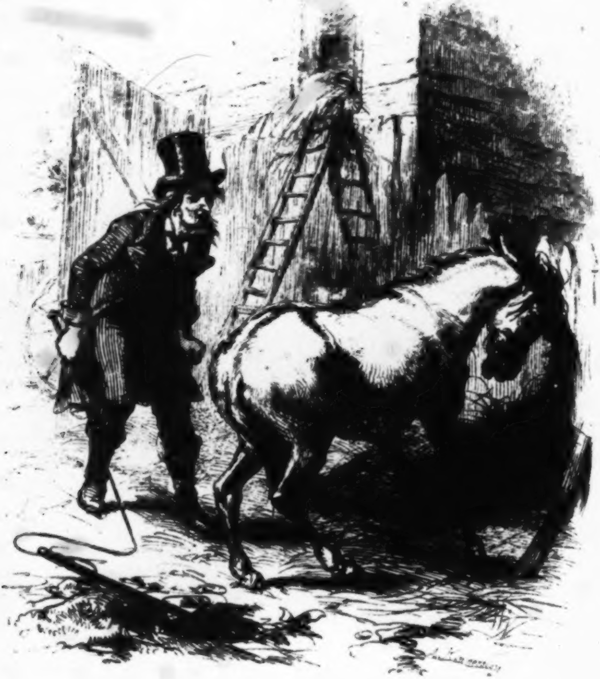
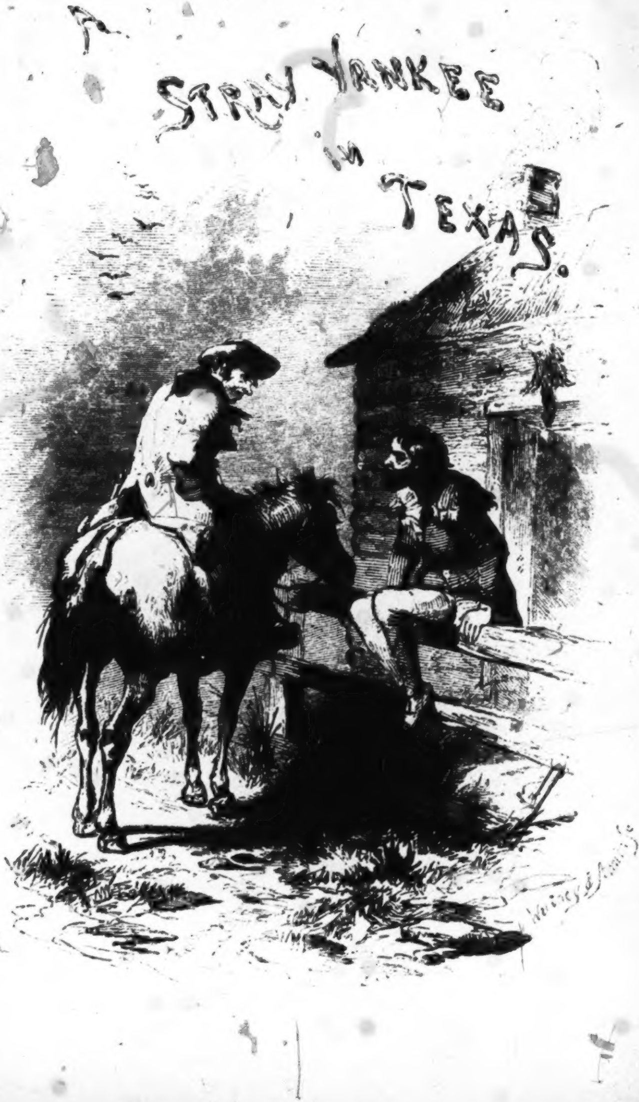


"WELL NOW YOU MEAN TOBAKER-LEAF-EARED HIPERCRITIKLE CRITTER,
DON'T YE FEEL CHEAP, EH?" P. 273


A
STRAY YANKEE
in
TEXAS.

A
STRAY YANKEE
IN
TEXAS.

BY PHILIP PAXTON.

REDFIELD,
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Preface.

It is customary for an author, upon launching his "frail bark," to jump up in the bow and make quite a bow-wow about it.

My bow shall be hasty and my speech curt. A few of the succeeding chapters have already appeared in some of the leading periodicals of the day, but as they were intimately connected with, and indispensably necessary to my story, I was forced to re-write and introduce them here. Should, therefore, any reader of the "Whig," or the "Democratic Review," or the "Literary World," or the "Spirit of the Times," find among these pages something that may remind him of an old acquaintance, let him not accuse the author of plagiarism, or indeed of any other literary crime, except perhaps that of occasionally picking his own pockets—an excusable offence in one who has drunk of the Sabine waters; for a singular but veracious account of whose miraculous effects, please examine the "Introduction."

The author trusts that no apology will be necessary for introducing the two papers at the close of the volume, as they are perfectly germane to the subject.

Introduction.

During many years Texas was a jest for all nations, except perhaps Mexico, to whom indeed she proved a somewhat unpalatable reality. It was once the fashion at the north, to name Texas as the inevitable terminus of every moonlight flitting, whether occasioned by that innate modesty which impels a reserved man to save his creditors from interviews, unpleasant and unprofitable upon both sides; by a too warm admiration of a neighbor's wife; the desire to sever one's own matrimonial fetters, by "cutting" one's self; or, in fine, any of the thousand and one reasons which so suddenly at times impart to men a fondness for travel, or desire for the society of strangers, and render an immediate change of climate equally necessary and agreeable. In fact, in the years '38 and '39, when the commercial horizon was dark and lowering, and the sun of prosperity almost obscured by the dust from the overthrown Bank, and the smoke of the great fire, it became very unsafe indeed, for the tradesman to doze too long of a morning, for if he did, it was at least an equal chance that upon at last arriving at his shop or store, the three ominous letters G. T. T., done in white chalk by mischievous urchin or suspicious creditor would stare him full in the face from the closed shutters of his window, or the panel of the door that had been too long upon the lock.

1*

The Texans themselves indulged in a sly chuckle over their somewhat dubious reputation, and it was quite a common joke to ask a man what his name was at home, and what *he* came to Texas for. The waters of the Sabine river—which stream separates south-eastern Texas from Louisiana—were said to produce peculiar effects upon all who drank, bathed in, or even crossed their yellow current. They were supposed to be a perfect Lethe to all remaining consciousness of the correct distinction between *meum* and *tuum* which the immigrant might yet retain, and it is recorded that one individual was so severely affected by the combined consequences of a draught and a bath, that finding nothing else to appropriate, he "adopted" his own under garment, which he had previously washed and hung out to dry, and concealed it so carefully from himself, that when its services were needed, they were not to be had upon any terms.

Such, at least, was the tale he told, to account for a very apparent scarcity of linen, and there was thought to be some truth in his story, as it was very evident that he *had* been drinking something; although the Sabine water must have been of universal potency, to judge from the aroma that hung around him. An incredulous wight suggested, that as there was a small grocery upon the bank, perhaps the man being very dry, had drunk up his shirt.

Did Texas deserve the contumely thus unsparingly heaped upon her? Quite the reverse. The population of this entire territory, consisting of whites, negroes, and Indians, did not exceed forty thousand at the time of the invasion by Santa Anna. There were a number of desperadoes, of the most dangerous and abandoned kind, to be found upon and near the Sabine and the Red rivers; some living upon the United States and some upon the Texas side, accordingly as the danger of apprehension from either government appeared more imminent at the time. Leaving the narrow strip of rascality upon the eastern border—and, by the way, there is, and has been no country, civilized or uncivilized, without a similar one—you found the young republic dotted here and there with small knots of stock-raisers, principally from Louisiana; a few down-easters, seduced from their hard and stony farms, by the milk and honey tales of some empressario's agent; an occasional doctor looking for a large crop of disease and death; or, perhaps, one that had fewer reapers in the field; a lawyer or two, to make the wills as the doctors finished up the patients, to seek for offices and speculate in wild lands; a large number of the true pioneers who shot, fished, and trapped for a living, treading closely in the footprints of the retiring Indians; and certain disappointed men, or those who having lost caste at home went abroad to regain name, and fame, and fortune.

A more honest, careless, and hospitable community than that of interior Texas it would be impossible to conceive of, or to meet with anywhere this side of Utopia. Crime of any kind was not tolerated. Every stranger was welcomed, aided, and respected, if he did but conduct himself with propriety. After 1836 the population was much reduced. Fear, famine, and Mexican slaughter had taken away many of the settlers, driven others from the land, and completely checked immigration.

During the general panic of '38, many cotton planters came to the country and brought their "force" of negroes with them. Some of these left their home in a hurry, and it must be confessed that they had pretty fair reasons for so doing. The banks had been flooding the country with their currency, which was lent in large sums to the few who possessed the right kind of influence. Cotton and sugar had commanded large prices, and the planter borrowed money to purchase new plantations and increase their "force." Suddenly the banks went down in one universal crash; the planters were left with great quantities of the useless "promises to pay," which they had borrowed upon their own notes or on bond and mortgage; and these amounts were to be paid, although the borrowed bills were valueless. Ruin threatened upon every side; ruin apparently caused by the rascality of the very men who now were to profit by it, by becoming the owners of negroes and lands at the tithe of their value. Those who were not involved in debt for more than one fourth of what their estates were intrinsically worth, saw them absolutely thrown away at a sheriff's sale for perhaps half enough to satisfy the execution.

There were men who deemed that they had a right to rescue themselves and their families from utter ruin; so shouldering their rifles, and arming the more trustworthy of their negroes, they departed secretly for Texas; and there is one county nearly settled by them. With this hegira commenced the culture of cotton in the interior, for it had hitherto been confined to the eastern portion. As the population increased, and money became more plentiful, there came, of course, a proportionate increase of crime.

In '42, preparations were made for settling Fisher & Miller's grant with German emigrants; and for a year previous to the annexation of the star republic with the United States, they came over in great numbers. These men were miserable settlers. They seemed to have left home with the idea that in future they were to live without work, and had doubtless been amused with very Munchausenish tales of the facility with which game could be obtained, for every one of them could be seen staggering up the muddy streets at Houston with an interminable equipage of pouches and game bags hung around their necks, and a pair, at least, of heavy German "yagers" upon their shoulders.

When they reached the colony, they would not work during the first year, but lived upon the provisions purchased by the company, and amused themselves principally in trotting about the prairies, shooting at small birds and getting themselves shot by the Indians.

"What new tribe," said Santa Anna—the Commanche, and not the Mexican chief—to Jack Hays; "what new tribe have come among us? They ride along slowly with their eyes bent upon the ground, smoking great pipes, knowing nothing of what is around them, and they never wake up until we have sent an arrow right through them?"

Such men were of little use in a new country. Stupid by nature, they became more stupid still by free indulgence in coarse gluttony and sottishness, and generally finished themselves off in three or four years.

Times and people have changed, but still there remains enough of the old leaven, of the simple-hearted stock raisers and small farmers, to keep the average morality of Texas up to the standard of that of any other State, not excepting even the boasted land of steady habits.

The towns in Texas, at the time of the revolution, were few and of small importance; such as San-Antonio-de-

Bexar, with a population thoroughly Mexican, Nacogdoches and San Augustin in the eastern part, several small villages such as Victoria, Liberty, Harrisburg, Jasper, and a few military posts as Anahuac, &c.

The population of these earlier settlements was such as might be expected; but the arm of the law, even under the somewhat lax administration of the "Alcaldes," was still felt. When "Houston" was founded it became for a time the resort of all the gamblers in the country, until its citizens decided, by a large majority, to turn Congress adrift, and make them seek some other place upon which to inflict their concomitant nuisances. The worst curse that ever fell upon the country came in the form of the disbanded "Murrel gang," who, when their plans had been revealed, and many of their names made known by the courage of Stewart, fled to Texas, thinking there to find a fair field for future operations, but they were very generally checked. They settled in numbers in a few convenient places, and established a perfect cordon of posts from Belew's ferry and other points of the eastern frontier, through the entire settled portion of the Republic. They were, however, driven in from the eastern line and forced to scatter in every direction.

In presenting the following pages to the public, the only object the author has in view is to give a correct idea of scenes and scenery, men and manners, as they exist in a section of our country of which much has been written, but little is really known.

Men steam it down the Mississippi, probably killing the time with whist and euker; spend a week in New Orleans, lounging about the bar-room of a crack hotel, and in extreme cases some will venturo as far as Houston; then leave again with all possible expedition and with the aid of a "Mississippi and Ohio Pilot" (books), half a dozen Gazetteers, and, perhaps, "Houston and his Republic," or Seatsfield's "Cabin Book," and a precious production by one Dey—who asserts that Irish potatoes turn to sweet ones in a few years, and a thousand other ridiculous absurdities, for the people found him out, and quizzed him to their hearts' content—and having all this vast mass of information on hand, consider themselves perfectly prepared to write sketches and volumes, converse and make speeches upon subjects with which they are about as well acquainted as they are with the interior of Africa, or the mountains in the moon.

If the following chapters can lay claim to no other merit than truth and fidelity of description, the author is determined that these at least they shall deserve, and he has no intention of making up a book by drawing upon his own imagination, or quoting from the works of others, whose writings, were the truth known, are too often entirely void of any pretension to authenticity or correctness.

Nothing but a familiar acquaintance with the country and its inhabitants, that can only be obtained by a residence of years, not in the cities alone, but among the genuine pioneers of the forest—the backwoodsmen as they are termed—will entitle any man to lay a just claim to a proper knowledge of either.

If these pages often treat subjects in an amusing rather than a serious manner, it is out of the author's power to help it, being by nature a disciple of Democritus, and diametrically opposed to the school of his rival. The records of the rights, adventures, and experience of ten years could scarcely be comprised entire in one small volume; and so the writer has described what he thought best worth describing, and described it too as best pleased himself. If some of the characters appear to have been cast in a rough mould, so were their prototypes; if their language occasionally varies from the strict rules of Lindley Murray, so did that of their originals; and if their humor be of the rudest, such as it truly is and was, has been given. Names, both of persons and places, have been sometimes changed in order to avoid personality; but the incidents detailed are facts, and the descriptions are as faithful as it has been in the author's power to make them.

A
STRAY YANKEE IN TEXAS.

CHAPTER I.

BEAR AND SNAKE.

It was in the first youth of one of the last born sisters of our Union, who, after a *mes-alliance* with a Mexican, that greatly annoyed and distressed her friends, terminated the affair by scratching his eyes out; taking forcible possession of all the property, both personal and real, upon which she could lay her hands; kicking her would-be lord and master unceremoniously and incontinently out of doors; and then, like a good child, coming home again, and getting her friends to fight out her battles for her; as I before said, it was in the younger days of one of our youngest states that the adventure, or rather series of adventures, occurred which I am about to relate.

In consequence of a certain roving disposition, desirous—as Cicero hath it—of novelties, I found myself located and domiciled in the bosom of the family of one Joe Hough, a regular backwoodsman, a capital hunter, and a decided character, with nothing in particular to do except to amuse myself as best I might.

Having thus premised, let us plunge at once *in medias res.*

* * * * * * *

"Dog on my cat! ef thar hain't been *bar* about, ye can take my hat!"

"How do you know, Joe?"

"Know! Just you sight that muscadine vine, whar one of the varmint's been a lappin', and look at the sign on that tree, and on the ground."

I looked, and, as Joe said, there was *sign* enough. The bark of the tree that supported the grape vine was marked with the bear's claws; and, as for the vine itself, it had been subjected to the very ingenious operation that bears are wont to perform when they wish a dessert of the fruit, and which is effected by climbing well up the tree, then crawling out upon a limb, and slipping off, legs extended, spread-eagle fashion, bringing vine, grapes, and all with him in the *facilis descensus.*

Bruin's plan to strip the grapes from the vine is simple, but effective. He twists his tongue—as long, as rough, and as potent as that of a maiden-shrew—around a portion of the vine, and drawing it down, grapes, leaves, bugs, and worms, at one fell swoop, enter his capacious maw.

But stop one moment. Let us give the reader an inkling of who we were, and what we were about.

Joe Hough and the reader's humble servant made up the party; and a party that would have attracted rather more attention had they appeared in Broadway, accoutred as they were, than, perhaps, might have been agreeable to them. Joe was in full Texas rig: a bronzed face, that would not have disgraced Captain Cook when his first voyage round the world was ended, beamed forth from beneath the overshadowing of a home-made palmetto hat, whose style and general appearance gave proof that Genin had not been about in that region lately; a pair of cottonade pants,—that owed their existence entirely to Joe's industrious wife, who had spun the cotton, woven the yarn in fine, done everything that had been done to call them into being, with the sole exception of making the buttons, and they evidently came from the four quarters of the globe—fastened round the waist with a rusty leather belt, and terminating somewhere near, but not quite effecting a junction with, a couple of particularly greasy moccasins. These, with a very coarse article, which Mrs. Trollope insists upon it is known among our ladies as "a pillow case," completed the outer man. The other party's dress bore a striking resemblance to that of the former, except that it had, perhaps, a shade more of pretension, and that a red sash, in lieu of the leather belt, girded the waist.

Speaking of Joe's wife, reminds me very naturally of the female herself; and as the lady had some peculiar accomplishments of her own, I may as well, *en passant*, say a word or two of them. A sallow face, with no very striking features, save a pair of small but brilliant black eyes, and lips as expressive of firmness as those of the elder Brutus; a head of sunburnt hair, whose original hue it would have been extremely difficult to discover, so weather-beaten and discolored had the capillary covering become; a neck neither long nor short, adorned by a string of golden beads; a very plain dress,—*coat*, as she termed it,—innocent of any attempt at ornament, made, Heaven knows in what fashion, and only remarkable for economy in material, both in quantity and quality—the groundwork of the structure being of her own manufacture; a pair of hands, evidently ignorant of idleness; the same number of feet, tanned by exposure, and, except upon occasions of unusual moment, guiltless of any covering, save that which nature had given, and sun and soil impressed; were the external characteristics of the woman.

Her gift of speech was limited; her words blunt, but to the point; her only mission evidently being to milk the kine, and to prepare the meals and the clothing of her husband and children. Whether she exhibited any signs of woman's nature when in company with her own sex, I know not; but, in her own home, I never knew her to smile, to attempt a jest, to tell a tale, or even ask a question, unless it were a matter of absolute and imperative necessity; yet she went through her daily round of duties cheerfully, and bore the life of hardship, danger, and exposure, which all pioneers must bear, without a murmur. She had never known any other. In accomplishments, she could ride a horse admirably, shoot a rifle even more truly than Joe, smoke a pipe, masticate the weed, and, at a pinch, manage a little snuff if it were offered her.

One day Joe and I, on returning from one of our expeditions, found her sitting on the door-sill very quietly smoking her pipe.

"All right?" asked Joe, as we approached the door.

The lady drew the pipe from her mouth, and pointed to something dimly visible in the interior of the cabin, which, upon examination, proved to be the skin of a huge panther, shot and skinned by her own ready hands. Upon inquiry, she informed us, with more than Spartan brevity, that "the boys see the varmint nigh the house. She called the dogs and tuk the gun; he tuk a tree, and she fetched him."

This was her second exploit in panther-killing during the four years of their present residence.

Now for a countermarch. Joe and I, at the time of the commencement of my tale, were upon the banks of a bayou, in a very dense thicket, and intent upon discovering a cypress brake or grove of white oak, near enough the river to admit of certain staves, shingles, etc., yet to be made, to be drawn to and rafted down it; and in the pursuance of our quest we have fallen upon the hereinbefore-mentioned "bear-sign."

There could be no more timber-hunting that day; fresh bear-sign, and that so near home, proved too much for Joe's newly-born spirit of industry, and fat bear meat got the better of staves and shingles without much of a struggle.

"Joe," said I, "consider, man: here we are, not a mile from home, and to turn back because you think that a bear has been about here lately! Why, man, bear are almost as plenty as ''possums' in this confounded thicket."

"Bar *been* about!" replied Joe, "you may swar to that; and he's about yet, lappin' somewhar less nor sixty rod off, an' as for it's bein' nigh the settlement, and most on the edge of the prairie, that's what I'm goin' back for. The varmint knows the way out, and I'll just bet a hogshead of niggers he was one of the chaps that smashed up my corn crap. I'm bound to have him."

Now, as Joe was obstinate as a mule, and exceedingly energetic, industrious, and persevering when anything except pure work was to be done, I made a merit of necessity, resigning myself to the chances and mischances of a bear-hunt, with as good a grace as might be expected under the circumstances.

The trail by which we had entered the forest was very tortuous, but Joe insisted that he knew where he was exactly, and could take a straight route home. So, drawing his hack-knife from its sheath, he plunged into a dense cane-brake that adorned the bayou's bank, and commenced cutting and carving a path in true backwoods style. I followed after him in Indian file, aiding and abetting his rude attempts at road-making whenever a mass of bull-brier or bamboo-vines, crossing and recrossing the cane, forming a natural fence impossible for animals and but barely practicable to man, called for action on the part of self and hatchet.

Fifteen minutes' hard work brought us to the edge of the open forest, and we were pushing on at a great pace, when Joe suddenly came to a halt, motioning me with his hand to imitate his example.

Joe's keen eye certainly had seen something, and, after peering at it a moment or so, he beckoned me to his side.

Following the direction of his finger, I soon beheld, at the foot of a gigantic oak, a pair of those most hideous of all abominable reptiles—moccasin snakes.

These were of unusual size, and appeared quite wide awake, which, for one of the species, is very uncommon. They usually seem to be stupified by their own venom, and never interfere with travellers' rights unless a person should approach sufficiently near for them to give him a snap, and then, coward-like, slink away into the underbrush.

Our snakes, however, were of different metal; and, judging from their great size and unusual alacrity, probably the war chiefs of the tribe. With their heads and part of their bodies erect, their demoniac eyes glaring fury, and their bifurcated tongues darting in and out, they evidently meditated an attack.

Stepping past Joe, I raised my hatchet, took deliberate aim, and blazed away. My shot was perfectly innocuous, for, ducking their heads, the hatchet passed over them, and then, as if animated by a common impulse, they dashed at us. I beat an immediate retreat, being deprived of my only weapon, offensive or defensive; and moreover having always had implicit faith in the old proverb touching "fighting and running away," in the hope of "living to fight another day."

Joe stood his ground like a man, and as the first snake approached, struck at the head with his knife. I saw the motion, and immediately after heard him give one of those singular whistles or blows, like the sudden puff of a locomotive, which seem to belong to the African vernacular, and to imply astonishment, wonder, and perhaps alarm. Joe immediately put his thumb in his mouth and jumped, evidently thinking himself snake-bitten. Having found a club ready for my purpose, and dispatched our enemies in a hurry, I turned to condole and assist poor Joe; but as I turned, beheld quite a stream of a very valorous and pugnacious variety of the hornet issuing from the ground where Joe had made his late stand against the snakes. Having no desire to complete the achievements of the morning by a Quixotic attack upon the hornets, I made off for Joe, leaving them in full, if not quiet, possession of the field.

Joe stood sucking his thumb, occasionally stamping with pain and anger, like a boy in the sullens, and it was some time before I could persuade him that he was the victim to no greater calamity than a hornet sting; but when convinced of it, he gave vent to a profusion of strange backwoods oaths, which involved in one common anathema all sorts of reptiles and insects—musquitoes, fleas, and horn-toads, being included in the general ruin.

It seemed that while sucking and examining his thumb, he, for once in life, had his latter end brought clearly in view; and this circumstance, acting as a curb to his anger, bottled up a vast amount of impiety, which escaped like the notes from Munchausen's horn, when the said wholesome fear was removed.

After my irate friend had somewhat cooled down, he turned his attention to the results which would indubitably follow our morning's adventure. "It was bad luck, *sure*," he said, "to have a snake attack you, and we should see more snakes than bears that day" (which *I* thought very likely), "and maybe some of us would get snake-bit for sartin."

As if to strengthen Joe's prediction, we killed on our homeward route, two ground and one large prairie rattlesnake, the death of each one eliciting from Joe the remark, "Dog on my cat; I'd a swore it."

Arrived at the settlement, disappointment awaited us. Joe's brother-in-law, Sam Ming, had gone out turkey-hunting, and taken with him all the curs, which alone are useful in turkey or bear-hunting—all that is required in either being their noisy bark—and moreover, good dogs are very seldom trusted to encounter with Bruin, their courage usually proving fatal to them in such combats.

Noon arrived, and with it the usual allowance of boiled jerked beef, corn bread and coffee. One, two, three o'clock were successively marked by the shadow in the doorway, but no Sam and no dogs.

Joe bore it like a martyr, amusing himself with his pipe and an occasional nap, until near sundown; and then saying, "Night with a moon in it was as good for bar as sunlight," he set about mustering his forces.

First in the ranks appeared a tall, lanky Alabamian, named Poke—six feet four inches in height, broad in the shoulders, loose about the hips, thin in the legs, hands and feet of great size, hair as light as that of our modern Horace, eyes green as those of a cat in the dark, a face flabby and white, without expression, and a head as full of emptiness as that horror which nature is said to entertain of a vacuum would permit. He was a great braggart, a great bore, and the great butt for the rough jokes of the whole settlement. Next on the list was a bulky, blundering son of Erin, remarkable for nothing but his blunders, and, as a proof of it, he had, for the occasion, divested his feet of a heavy pair of "pot metal" boots, and invested them in two old, worn-out, slip-shod brogans, whose size proved, that huge as were Moore's feet, some one existed, or had existed, who could have given them large odds, and beat them. Two brothers of Joe's, Dave and Baze, the missing Sam Ming, who had just made his appearance with the dogs and quite a show of wild turkeys, and a venerable negro in a remarkable state of preservation considering his age, completed our number.

"Massa Dave," asked old Cæsar, "aint a-gwain to fetch Bose along?"

"No, indeed," replied Dave. "Shan't have him spoiled for no bar."

"Now, look yeah, Massa Dave," persisted the negro;

"ole Bose aint a-gwain to get heself hurt wid no bar. Dese pups aint no account—dey dusnt know a bar from a two-yer-old—dey mus hab some one to show em de way, and den dey kin do de yippin' fas enuff."

Joe and the others chimed in with Cæsar, but Dave was deaf to all entreaties, and would not risk the life and limbs of a dog "worth," he said, "three cows and calves." He had better have taken old Africa's advice.

CHAPTER II.

MORE SNAKE THAN BEAR.

JOE, as a matter of course, took the lead; next came the redoubtable Poke, armed with a double-barrel, which excited both the sneers and the laughter of his compatriots; Dave, Baze, and Sam composed the main body, while old Africa and young New York, in the persons of Cæsar and myself, brought up the rear. Cæsar was evidently in an especial bad humor; so bad, indeed, that the forced absence of his favorite "Bose" would hardly account for it; and, as he stumped along behind me with a fire-pan on his shoulder and an axe in his hand, every time that he made a mis-step, hurt his toe, or that his shin—the seat of African honor—came in rude contact with unexpected substances, so brimful was he of ire and bitterness, that no small quantity—spilled as it were by the jolt—would overflow in the form of a round dozen of African oaths, succeeded by a continued rumble of mutterings, for all the world like distant Dutch thunder.

"Dog gone, de fool! who ax him for come, hey? Antee gwain cotch dis child wid the pups, no how. Mass Joe's sense mus be done gone any how; das a fac."

"Why, Cæsar," said I, at length, "what can be the matter? what has disturbed your equanimity?"

"Stub'd my ekalimity! massa Phil, dah's nuff to stub enny white folks' ekalimity, let 'lone poor nigga, sah. Dars Mass Dave's gone leff Bose home—knows more'n him, any day—and that no count Mass Poke, he got dern fool scatter gun, wid cussed (*Cæsar* for percussion) locks, and bofe of the hammers down. Whose gwain to hunt de dogs ahead ob him, I like to know; t'aint dis nigga. F'e's gwain to shoot somebody, best send in white folks; dey don't cost nuffin; nigga's wuff de money; cant ford it, sah."

Cæsar was quite right in the matter of Poke and his gun. The gentleman was a sportsman and horseman of the Winkle school, never of any benefit in expeditions of this kind, and generally the cause of mischief.

As for the situation of his gun, it may not be amiss for me, here, to give a hint to all young sportsmen.

Never carry a percussion gun with the hammer in any other way than at half cock. A slight blow, a fall, or a projecting limb, may cause a discharge, if the hammer be down; and I have known lives lost and limbs destroyed for the want of proper caution in this respect.

By the time we had reached the "timber," the short-lived twilight had waned, and night had fairly set in; the moon was quite low down in the horizon, but a thousand pretty inquisitive stars were peeping down upon us through the foliage of the old oaks.

We were pushing lustily forward in Indian file, the canine portion of the party, at least, in fine spirits, when a loud shout from the rear brought us to a halt and to the right about, and in a few moments a new comer was received with a hearty greeting from all hands. He was the pioneer of a race that is destined ere long to overrun this region, a shrewd thorough-going Yankee peddler, who had brought with him into the wilderness a large stock of clocks and other notions, now mostly converted into cows and calves. He disposed of his wares at exorbitant prices, receiving in pay the above-named bovine currency of the country, at the customary trade price—ten dollars per pair—and bid fair soon to become one of the largest stock owners in the prairie.

Good-natured, ever ready for "trade," quick at rude repartee, seemingly liberal, and by no means deficient in either tact or courage, he was a great favorite with all.

Cæsar, despite of all remonstrances, was now ordered ahead with the dogs, and went off very sullenly, having previously intrusted our Yankee friend Biggs with the fire-pan. For some time both Joe and the negro had their hands full with the curs, who were running and yelping in every direction, and at all kind of game; but before long a shout from the men, and a prolonged and general chorus from the dogs, told us that something of consequence was up.

Off we dashed, hurry-scurry, in hot pursuit of the clamor, but little heeding briers and brambles, rents or scratches, in the excitement of the moment.

Joe and Cæsar were soon in sight, then disappeared for a moment as they rushed down a steep gully. Joe's "yip" had just announced that he had reached the opposite bank, when our evil genius Poke, so full of the chase that he had not noticed the dry bayou before him, pitched headlong down the precipitous bank. Off went he, and off went his gun, and in an instant a yell, that no white man's throat could have uttered, announced that the shot had told.

"O, ki'! bress de Lor', Mass Poke, d——n you, sar, got this nigga to pay for; tank de Lor' for dat massy, anyway. Whafor you no shoot yuself, and do sometin good? Who axed you hit dis chile? Pray de gorry mity ye broke yer dern fool no count neck"—came up from the hollow in broken sentences, as the poor fellow rolled down the opposite side, and finally landed right on top of Poke, who lay on his back shouting for help, and insisting upon it that at least every other bone in his body had been broken. In spite of the certainty that some mischief had been done, and the uncertainty of its extent, we were fairly convulsed with laughter; and when, after an evident tussle between the two, a crash was heard, and Cæsar's voice proclaimed in triumphant tones: "Dar, dat gun's fixed for slow shootin; won't kill no more niggas; smash him to pipe stems, dat's some comfit," we had perforce to roar.

In a moment after both made their appearance, and anger had evidently obtained the mastery of pain and fear. No serious damage had been done to either, and the return of killed and wounded exhibited no greater disasters than a barked nose upon Poke, a slight graze of two shots upon a very pinguid and prominent portion of Cæsar's person, and a double-barrel—the parent of all this mischief—put entirely hors-de-combat.

Having repaired damages and patched up a temporary truce between the contending parties, we dashed off at the best speed we might after the dogs, whose yelping sounded more dim in the distance. Joe declared that he had started a bear, and have him he would. To all appearance the bear had either taken a tree, or else, relieved from the fear of his great enemy—man—turned upon his tormenting pursuers.

The latter proved to be the case, and, having squeezed through a thick piece of cane, we came suddenly upon as pretty a scene of confusion as ever a somewhat dull moon —one-half its beams being tangled with, and intercepted by, the over-hanging branches—partly illumined. An ungainly object in black was dimly visible near a huge tree, and surrounded by a dozen or more dogs, of all colors, breeds, and sizes, barking to the manifest danger of their lungs, dashing at him whenever his back was turned, and he for a moment quiet, but retreating in a most undignified manner in all directions when he launched at them, which operation he performed sometimes upon four feet, and sometimes upon two, accompanying his demonstrations with particularly edifying growls.

The crackling of the cane and the shouts of his pursuers, partly audible amid the general din, at length aroused Bruin to a lively sense of the true danger of his situation; and abandoning in haste his inglorious conflict, he, in his hurry, did the very worst of all things possible—took a tree.

Now all of this, although occupying some time in recital, was in transaction but the work of a moment; and the bear had mounted some twenty feet before a gun was levelled at him.

"Hold on—don't fire," cried Dave—*the* shot on all great occasions—to Moore, who was raising his old musket, as I thought, with an insane intention of shooting the moon; "hold on, let him get quiet."

Too late. Moore blazed away, and very luckily, considering who it was, did no particular mischief. Another gun was fired, and then Joe's voice was heard in tones of warning:

"Look out, boys! He's a coming; stand clar." Bruin had discovered his error, and although more frightened than hurt, was apparently meditating a retreat. An instant after, and any doubts that might have been entertained on the subject, were dissipated; for, being somewhat pressed for time, and under the circumstances preferring the shortest way, Bruin suddenly let go all, and down he came with a tremendous thug, plump in the midst of the dogs, and very narrowly escaped making a general average among them.

Every gun yet undischarged was immediately fired at him, and evidently with some effect, for although the gentleman in black made off again upon three legs, there was anything but "grace in his steps," and his pace could scarcely be termed tiptop.

Moore snatched the axe from old Cæsar's hands, and was after the quarry on the instant.

Away went Bruin, and away went Moore; the rest of us following closely, and in too much haste to think of a reload.

It was becoming tight times with Bruin. Moore neared him, aimed a blow with his axe, missed, and went down stem foremost with all sail set; up again, ran fairly alongside with the intention of boarding the enemy, and the axe was again poised for an effective blow, when Bruin turned and made a claw at him, tearing his nether garments, carrying off one of the overgrown brogans as a trophy, and making his mark pretty legibly upon the foot and ankle of the unfortunate Milesian, who, jumping back, went down this time stern foremost, impinging on Joe, and involving him in the general decline and fall.

While we gathered around the prostrate pair, Bruin plunged down the banks of a bayou near at hand, and the crash of the dense cane told that he now was upon pretty safe ground.

Moore's wounds were neither deep nor dangerous. If he was somewhat deficient in coolness, he certainly was not in courage, but seemed ready to come up to the scratch upon all occasions, as the late affair had proved; and so, after rubbing his leg a minute, declared his readiness to go on as soon as the missing shoe could be discovered.

"Shoe," said Joe, "whar's yer boots?"

"At home," answered Dave, "a-waitin' for him. Lucky he didn't hav one on em on, or the bar would hev put his foot in it!"

"Which shoe have you lost?" demanded Poke.

"The off one, to be sure," said Biggs.

"Hurroo, murther, the curse av Cromwell on ye! it's myself 'is got it now," yelled poor Moore in anguish. Poor fellow, he *had* got it. Stumping along, he had absolutely stuck his unprotected toe into the open jaws of a large rattlesnake, and received a very dangerous wound.

Joe and Dave commenced masticating tobacco furiously, and Biggs produced a gourd of whiskey, of which at least a tumblerful was poured down the sufferer's throat, without any decided effort at resistance upon his part; then a great poultice of the tobacco was bound upon the wound, and more of the whiskey poured upon that. The internal application operated admirably; and the patient recovering his courage, now increased by no slight addition of the Dutch article, insisted that he was perfectly able to get home, with no other help than that of Biggs—and the gourd of whiskey.

As he limped off, Poke edged up to old Cæsar, and asked in a low and tremulous voice, if he thought there were many more snakes about there.

"Ki, yes, massa," replied the negro, delighted to witness his fear, "dare's more'n a cartload to de acre, just wha we stan'."

"I—I rather reckon I'd best go after 'em," said Poke, aloud. "Moore'll want to be carried afore he gets far; and Cæsar and Sam had best come along too."

"No, no," answered Dave, "they'll do well enough; if you want to go, go. I'm not agoin' to give this up yet."

All the remainder of the party coincided with Dave except Joe, whose faith in the adverse omen of the morning was marvellously strengthened, and he now insisted that all chance for overtaking the bear was at an end for the present; that he could be found in the morning with the aid of old Bose and the hounds; and that then he would be not far off, and the stiffness from his wounds and weakness from loss of blood would render him an easy prey.

Poke endorsed all of Joe's arguments, and called our attention to the threatening appearance of the sky, which was fast becoming overclouded. Dave, Sam, Baze, and old Cæsar were for having the bear at any rate; and how the affair would have terminated I know not, if the negro had not cut the Gordian knot.

I noticed him stealing slily behind Poke, who was too much engaged in the discussion to notice him; and in a moment after the long-legged Alabamian gave one terrific yell, and flopped over upon the ground.

"Snake! sn-a-a-a-ke!! sn-a-a-a-ke!!! Oh, Lord, I'm a dead man. Help! murder! I'm done for! Carry me home. Send for a doctor. I'm as good as dead now. I feel it a comin'. My hand's cold already. Can't somebody pray?

"'Now I lay me down to sleep—

* * * *

"'Your little hands were never made
To tear each other's eyes.'"

These rather heterogeneous lines were probably the only remnants of early piety in the storehouse of his memory.

We tried to comfort him, to ascertain the situation of his wound; but all in vain, he *would* die. Nothing *could* help him. We must carry him home, and let him die in his bed. His limbs were stiffening now, and then he yelled and roared again like a mad bull.

There was no help for it. So shouldering him bodily, we started for home at a slow pace. The negro would not go near him. Snake-bit people bit others, he had heard, and *he* would not risk it.

After a while, Cæsar approached Joe, and whispered something in his ear, which caused him to give an emphatic whistle; then he announced that he was quite tired, and must deposit his precious burden for a moment on mother earth.

In spite of all Poke's remonstrances and groans this was done. Then Joe whispered the secret to me and to the rest, and leaving the wounded gentleman reclining upon a bed of leaves, we quietly walked off.

"Hollo, don't leave me; I ain't dead yet. Don't, oh don't," shouted Poke.

"Keep cool," said I, "we are only going to make a litter for you, and will be back in a moment."

We pushed on, regardless of his cries, and very soon our laughter, no longer to be controlled, broke forth. The would-be dying man heard it, and recovering the use of his limbs in a miraculous manner, came up in a run, swearing at us for our inhumanity, appealing to our compassion, and insisting upon it that he would not live to reach home, all in a breath.

"Shut up," said Joe, "the nigger only spurred you a little with a piece of cane; that's all the harm you've had; don't be a fool."

Instead of a fool, there seemed to be more danger now of his becoming a madman; and it was as much as we could do to keep him from laying violent hands on the sable joker.

CHAPTER III.

MORE BEEF THAN VENISON.

I HAVE already mentioned that Cæsar had made his appearance, equipped with a fire-pan, and as many of my northern readers may not know the article or its use, and as some may think it synonymous with a warming-pan, a little explanation is necessary.

A "fire-pan" is a kind of basket formed of pieces of iron hoops or straps, to which a long pole is attached as a handle. It is used in "fire-hunting." The hunter having placed a number of pine knots or chips of light wood in the basket, when he has reached his hunting grounds sets them on fire, and proceeds on a search for "eyes." A deer or other wild animal, attracted and astonished by the blaze, will stand very quietly until the hunter has approached quite near to him. The eyes of the animal, reflecting the firelight, are as plainly visible amid the surrounding darkness, as are stars in a moonless night. The hunter, who has previously carried the pan upon his left shoulder, now transfers it to a companion, and aims, not at the eyes, but so that his ball will take effect on a line equidistant from them, and at a spot about one and a half inches below. This shot, if successful, will kill the game instantly by breaking the animal's neck.

Backwoodsmen are good anatomists, and know exactly where to find and how to avoid the vital part in any animal; and this knowledge is sometimes of singular utility to them.

The "creasing" of a horse is a feat, which, though common enough among them, would electrify a northern jockey, and play the deuce with the nerves of a northern marksman.

Horses, after having been branded, are permitted to run wild and free as air upon the prairies, and it sometimes happens that when some particularly fine and fast animal is wanted, he is not to be had upon any ordinary terms. Days are spent, and quite a troop of horsemen employed in hunting him up and driving him to the pen, which, when near to, instead of entering peaceably, he turns up his nose at, and giving a furious snort, dashes open-mouthed at his pursuers, and charges through their thick battalions.

If he has been once properly "roped," all that is necessary is to get one upon his neck; but under these circumstances who is to bell the cat, and how is it to be done?

He is too cunning to permit of a pursuer's coming within reach of him when he is at full speed, and when the rope is certain and effective, and as he wheels and charges, it is almost impossible to throw one effectively.

One or two such attempts have been made with similar success, or rather with no success at all, and his owner has decided that he is to be "creased." The best marksman in the settlement is selected, the horse, if possible, surrounded, and while he is gazing at the extended circle of his pursuers, as if meditating which one it will be most safe to venture near in his attempt at escape, crack goes the rifle, but before the report reaches his ear, a ball has creased the cartilage, immediately beneath his mane; he falls powerless and completely unnerved to the ground. In a moment a noose is thrown around his neck, and when recovering, he rises slowly and tremblingly; he submits quietly to the disgraceful rope, or, if previously ignorant of its power, makes a desperate but ineffectual attempt to escape.

If the latter be the case, his captor is prepared for him. The other end of the rope is made fast to the pommel of the saddle, and when the wild animal starts off, the rider, clapping spurs to his horse, accompanies the fugitive a few rods, until he be under good headway, then throwing his leg over the rope, wheels his horse and dashes off at a right angle.

In an instant the career of the runaway is terribly checked, and he is hurled, panting and bruised, upon the grass. So severe is this discipline, that a horse never requires a second lesson, and most of them may afterwards be ridden with safety, controlled alone by a rope around the neck.

Sometimes, indeed, they are killed by the fall, or neck-broken by the rope, but such accidents are not of frequent occurrence.

The quarrel had been settled by Joe, who ordered the bully to hold his tongue or to "put out;" and the bully put out for home, all alone, and very much put out indeed.

"Massa Joe," exclaims Africa, "I see berry fine drove ob deer dis ebenin', jist in de pint of timber bout half mile off. I were fotchin' up the cows; I seed 'em feedin' when I went up de prairie, and when I cum back agin I jist make de pony fass, and crawl out in de timber, and dar dey was, all down, and dey'r mighty apt to be near dar yet—das a fac, I'll swore it."

"Yes, you black scoundrel," returned Dave, "that's where you were so late to-night, and that's the way you lost half the cows, is it?"

"Now, look heah, Massa Dave, don't ye allers told me to keep my eye skinned, and look out for deer meat when I'm about on de prairie?"

"I did *not* tell you," retorted Dave, "to quit your business, and leave half the cows behind."

"Never mind that now," interrupted Joe; "about the deer; I'd like to get some meat afore I go home anyhow. Cæse! hev you got any fireworks? I don't want to draw my load."

Cæsar replied to this question by pulling down a handful of moss from an overhanging branch, and selecting from it, by feeling, the black or dead portion of it, he threw the rest away. Next he broke off the tiny twigs from the ends of some fallen boughs, and then putting a few grains of powder upon a wad of cotton, went to work with flint and steel, and soon the mass was on fire. The burning cotton was then placed in the centre of a quantity of the dried moss, and whirled rapidly about until a blaze broke forth. It was then deposited upon the ground, the dead sticks placed upon it, and in a few moments a cheerful fire was burning in the old forest, throwing its light over a small circle, around which appeared a wall of darkness, apparently tenfold more dense than before.

The negro then drew from his pocket a few chips of light wood, or heart of the pitch pine, and having ignited them, threw them into the pan, and we were ready for our fire-hunt.

Cæsar went ahead, carrying the pan; Joe nearly abreast of him, claiming the post of honor as being more experienced in seeing and discriminating between the various kinds of "eyes" than any other of the company.

The rest of us—except Baze, who was packed off with the dogs—followed closely. Having approached the prairie, we skirted it for some distance, moving along steathily and silently in the now open timber. Joe's keen eyes peered about in every direction, but for a long time in vain. We had proceeded in this manner for nearly two miles, the fire-pan had been replenished several times before anything worthy of note occurred, and the whole party were about wearied out, when a sharp "hist," sibillated from Joe's lips, brought us to a halt. A slight rustle immediately before us attracted our observation, and we saw glimmering in the surrounding darkness what appeared to be two balls of fire. Joe shook out his priming, carefully wiped the "frizen" and pan with a bit of woollen rag, rubbed his thumb nail across his flint, re-primed, and, bringing his rifle up, took deliberate aim.

"Massa Joe," whispered Cæsar at this critical juncture, "best look sharp; don't like them eyes, anyway."

An impatient gesture was Joe's only reply. The aim was again taken, and the crack of the rifle resounded in the still night, making a thousand echoes in among the old woods.

"Bl-a-a-a," was heard in very bovine accents from the direction of the victim, while from the prairie arose a shout,

"D-o-o-n't fire. Murder! Help!"

"Massa Joe's gone done it dis time for sartin," exclaimed the negro. "Dat deer's a two-yer-ole, dis chile'll swar."

A few steps brought us to the scene of bloodshed, and there, extended upon the ground, and in the agonies of death, lay a fine young heifer, bearing Joe's ear-crop and brand.

Joe's rage and sorrow were as nothing to his shame, for a man who shoots "beef" instead of "deer" is for ever after a laughing-stock to the settlement. A halloo, in reply to the shout from the prairie, soon produced an answer, and a return in the person of the redoubtable Poke, who, fairly bewildered, had been following our moving light, with the idea that it proceeded from the settlement.

Making the best of the accident, Joe and the rest soon had the unfortunate heifer skinned and dressed. Wearied and worn out, wet with the heavy dew, and scratched and torn with thorns and briers, we slowly returned home, bearing a very ignoble trophy of our achievements.

CHAPTER IV.

SALUTATORY, A WILD-GOOSE CHASE, AND A MARE'S NEST.

VERY little attempt at early rising was made by any of our hunting party on the following morning, and small was the inclination that Joe or I felt for timber hunting, when once fairly up. He poked about his cabin and field, flattering himself with the delusive idea that he was at work, and I, mounting my horse, galloped off upon the prairie, after nothing in particular. I had returned, dinner had been eaten—during it, Joe's wife asked him if he would have some "deer:" a mistake of hers, probably, as I never knew her to joke—the accustomed pipe had been smoked, and all the males of the settlement were stretched out upon their blankets, enjoying their wonted siesta, when a horseman dashed up to the fence, in front of Joe's mansion, and gave the usual "halloo."

I looked out, and perceived that the horse had evidently been severely pushed, as his reeking flanks and the lather upon his sides bore testimony. The "halloo" brought Joe to his senses first, and then to the door.

Whatever press of business there may be, a certain necessary ceremonial is always to be sacredly observed before a visit to a cabin is paid.

First, the rider shouts out "halloo," which means, "Good people, I am here, and here I mean to stay until you come out and keep the dogs off;" then, after an interval, the proprietor makes his appearance, and very leisurely approaches the fence without speaking a word; he next throws one leg over the fence, then the other follows; and, having attained the top, seats himself very deliberately upon it, and awaits the next move from the other party.

The latter now brings his horse alongside the fence, and the conversation commences.

"How are ye, Judge?"

"I'm right peart—how's yerself?"

"Oh, I keep a pushin'—how's the old woman and the boys?"

"Considerable sassy, only thar's been a smart chance of ager down in our neck of the woods."

"Got a smart chunk of a pony thar."

"Yes, *sir*, he's some pumkins sure; offered ten cows and calves for him; he's death on a quarter."

"Come from down the prairie?"

"Yes, *sir*, and hurried up my critter right smart, I tell *you*."

"How's the craps?"

"Well, they ain't nothin' to brag on, though we've got a gush of peaches."

The gentleman upon the fence now descends from it with due deliberation, and, approaching the occupant of the horse, shakes hands with him in a most solemn and edifying manner; he then surveys the horse from stem to stern, probably examines his mouth to ascertain his age; and having performed all these duties with due decorum, he next proceeds to exhibit his hospitality.

"Come, Judge, 'light and tie your horse out." Without any further remark, the Judge did as he was desired; and having found a stake driven in the ground, he affixed to it one end of the caberos (hair rope) which was attached to his horse's neck, took off saddle and bridle, hung them upon the fence, and made for the house.

The great gravity with which such affairs are invariably conducted, amused me very much until I became accustomed to it, and came to look upon it as a matter of course.

The new arrival was no less a personage than Judge Guffey, an Irishman, and the oldest settler in the county. In consequence of his long residence he had been elected Judge of the probate court, although it was a great exertion for him to write his name. The office he had held for a number of years, until the business of the court had so increased that it nearly distracted him with the immense labor of thinking that it involved; and the young lawyers had driven him within an inch of madness, by the manifest disrespect that they entertained for his decisions, and the manifold ways they employed to reverse them. He resigned, and was then chosen Justice of the Peace.

In spite of all the deliberation which had characterized his proceedings, the Judge was in a great hurry. A certain scampish genius, known as Lefe Thompson, who was notoriously addicted to betting upon quarter races, playing old sledge and poker, and to little else, having borrowed money, and run pretty deeply into debt, had now taken a new step, and run off altogether.

As he lived in the woods, he expected to get off into the next county before any of his neighbors were aware of it; but his negro woman had the night previous met her lover "by moonlight alone," and disclosed the secret. The Judge had been called upon to issue some kind of paper to stay Mr. Thompson's further proceedings in the case, and as his usual amanuensis chanced to be absent, he had hurried off to beg my assistance, after having dispatched one party in pursuit of a deputy sheriff, who had been seen on the prairie in the morning, and another to a creditor who had lately obtained a judgment against the runaway, with directions to join him—the Judge—at Joe's settlement.

In half an hour the expected party rode up, and the same interesting ceremonial having been gone through with, in a grave and solemn manner, they entered, and we proceeded to business. It appeared that although several of the creditors of the runaway had commenced suits against him, but one of them, however, had approached sufficiently near fruition to have been converted into a judgment.

In the backwoods, a lawsuit, even a petty one, is an affair of time and moment. About a year is required to bring it as far as a decision in the minor courts; then of course it is carried up, and after standing upon the calendar of the District Court for two or three years, is decided pro or con; and then the losing party invariably transports it to be settled before the collected judicial wisdom of the country embodied upon the supreme bench.

Mr. Lefe Thompson, however, to save all entanglements of the kind, and perhaps with a proper regard for his own purse and those of his neighbors, as soon as suits began to multiply, and legal papers to fall around his devoted dwelling, thick (in number) as leaves are supposed to be in Valombrosa, had cut the Gordian knot, and—as Judge Guffey would have said—"taken the shute."

Lefe had conducted the whole affair very shrewdly. The planters and stock-raisers had but very little money among them, and that little was too often used for gambling purposes alone; many knew no other use for it. It would have been a sin to have paid it away for "store goods," since the hides of their slaughtered cattle were always taken in trade for tobacco, coffee, and powder. For all neighborhood purposes, the legal tender was cows and calves; and so when by any accident a little hard currency was obtained, it was religiously laid aside and husbanded until a game of "seven up," or "poker," caused it to change pockets, generally into those of some of the petty gamblers that are continually travelling to and fro, trading horses, making quarter races,, and always to be met with at every frolic in the county, on the look-out for a customer.

Lefe had been successful, and was supposed to have amassed quite a "pile," which he was very loath indeed to part with; and when he lost, if the money were not absolutely staked, he would usually put off the winner with some old horse that he had fixed up for sale, or a dubious note that he had received as "lanyappe," (*Anglice*, boot money.) If he won, however, nothing but the article itself would satisfy him; and so by getting what he could, and keeping what he got, he came to be considered as the "man of money" in his "neck-of-the-woods."

Some severe losses, however, had lately shaken his credit; so, collecting all his debts, in some form or another, he had converted their proceeds into a valuable female slave; and to avoid payment of *his* obligations, he resolved to cancel them by a moonlight flitting.

Had he committed any act that the rude people among whom he lived would have considered a crime, they would have made short work with him. Had he stolen horses, or killed another's beeves, they would have followed him, stripped him of his property, and, if the offence had been of a sufficiently heinous nature, given him a terrible flogging, accompanied by a warning to quit the country. Nay, under sufficient provocation, they might, perchance, have hung him to the nearest tree; but as this was simply an affair of dollars and cents, coupled with nothing that they considered crime, he was to be overtaken by the law, or allowed to go off scot-free.

Had he been of a surly, quarrelsome nature, it would, perhaps, have gone hard with him; but being particularly rollicking, noisy, and good-humored, his creditors only considered that he had been too smart for them, and were rather amused than otherwise at the affair. His principal debts amounted to some five or six hundred dollars; but the only one for which an execution could be issued, was less than thirty, which he might, and would probably pay, and so escape pretty cheaply, even if overtaken.

Old Judge Guffey, however, had a plan of his own; and, in furtherance of it, had dispatched a messenger after the deputy sheriff—a man of noted coolness and determined bravery, who would not hesitate a moment in the discharge of his duty, even if his own life were staked upon the issue.

The attachment was drawn up, and we waited until near sundown for the messenger and sheriff. At length the former appeared without the latter. He had failed in overtaking his man. This was very unfortunate for the judge's plan, as the only thing available in the form of a constable, was an old man who had sought the office for the honor of it, and who, from his universal good humor, and careless, obliging disposition, was entirely unfitted for the performance of his duties. He was unanimously elected, year after year, because no one was willing to oppose or vote against old Billy Perkins.

He did admirably as far as the service of subpœnas and summonses was concerned; but when the case was concluded, and an execution placed in his hands, if it ever got out of them, the document was sure to appear endorsed "no property found."

During his whole official career he had never been known to make a levy; but having conducted the affair to a trial, he invariably washed his hands of it, and left the litigants to settle it as they best could.

There was, however, no other resource, and so "Uncle Billy" was mounted upon a fast horse, armed with a rifle, and an execution, and ordered to seize upon the wench and bring her back—refusing all offer of other settlement. In this manner the claims of the other creditors were to be satisfied, as soon as their suits had been hurried through the requisite forms; and to expedite matters, Billy carried with him quite a number of summonses to be served upon Lefe.

Billy now called for a volunteer aid; and, impelled by the fun of the thing, the desire to know how the old man would act in an emergency, and what trick the supple Lefe would resort to, I offered to accompany him; warning him, however, that I would have nothing further to do with the affair than to see that he was not interfered with in the performance of his duties.

As Lefe had taken his departure at about four in the morning, he might, had he followed the direct road, have crossed the county line and been out of danger ere this; but he had chosen an out-of-the-way trail through the woods, which he was forced to follow for five or six miles, and then turning off, to lose as many more before the direct path could be regained. As this made his distance nearly forty miles, it was all but impossible that he could have accomplished it, incumbered as he was with his family, all his household gods, and a Texas wagon, filled with what, in this case, was literally "plunder," drawn by those miserably slow oxen—*beeves*, as a Texan calls them—for which this part of the country is noted.

We hurried on as fast as the bad trail, and the darkness which now set in, would permit. We had to stop now and then to pick up our hats, which overhanging boughs *would* take a fancy to; then Uncle Billy's pipe required to be replenished and relit; then again we had to call at a settler's cabin upon the road, where we obtained some intelligence of the fugitives, but were forced to remain until a cup of coffee was served—a piece of Texan hospitality offered to every visitor, stranger or not, and one that it is an unpardonable breach of etiquette to refuse. We had to swim muddy bayous—not a very pleasant operation at any time, but an especially undesirable recreation at night—to proceed cautiously over marshy ground, and slowly with declining heads among the trees, and the "wee short hour ayont the twal" had come and gone, before the light of a smouldering fire by the roadside, at some distance before us, gave token that we were approaching a camp.

"Thar they are," said Uncle Billy, exultingly, "best look to our guns."

While we were taking the usual precaution of fresh priming our arms, the shooting up of a more brilliant light, and the rising of a cloud of sparks from the campfire, proved that not only was Lefe stirred up himself, but that he had stirred up his fire to receive us, perhaps to treat us to a fire of a more unpleasant nature.

Approaching nearer, the figure of a man appeared in the centre of the road, gun in hand.

"Hold on, strangers," he cried, "I ain't fond of company this time of night. Keep off, or I'll fotch ye."

"No ye don't, Lefe," said Uncle Billy; "drop yer shootin' iron, or ye'll git mor'n ye send; there's two agin one, my sonny."

"Hoppee! why, Uncle Billy, is that you? Dog-on-my-cat, ef I ain't glad to see you. Come, ride up and light. Here, Sally! jump about, and make Uncle Billy and the stranger a cup of coffee."

We alighted from our horses, and poor Billy unfolded his business to the runaway.

"Why, bless yer old soul, I ain't got nothing. Ask Sally, there; I ain't got but five dollars to take all on us clar to San Antone; and ye wouldn't take that, would ye, Uncle Billy?"

"No, Lefe, ye can keep your money. I'm consarned sorry for it, but I must take that ar yaller gal back with me."

"My yaller gal? Why, thar ain't but one execution out agin me, and that's for twenty dollars and costs. You can't touch the gal for that."

Here quite a scene ensued; the wife crying, the girl absolutely yelling out her grief, the children bringing up the chorus, and at last Lefe himself set up a regular bohoo.

At last, Lefe took Billy on one side, and, showing him a valuable horse that was staked out, offered, with a sigh, to give him up. For some time Billy refused, but at length

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Lefe's arguments touching the illegality of seizing the wench when proper security was offered him, worked upon his fears, and the dismal howl kept up by the feminine and juvenile portion of the assemblage, touched his heart, and he consented.

The storm passed away, and all was bright again. Lefe forced us to take a cup of coffee, brought out the whiskey-bottle, and pressed us warmly to stay all night. We, however, thought it best to decline his solicitations; and after shaking hands with us, as if we were his best friends, he bade us good-by, remarking as we rode off, "Next time I'm within a mile of the river, I reckon I'll cross over, and 'camp on t' other side."

What a pleasant ride we had homeward, and how delightful an assistance to a journey is a led horse, it boots not now to describe.

We arrived at Joe's as the whole party we had left there were taking breakfast. The judge, being defrauded of his fees, swore mildly; but the rest considered it a pretty good joke, as much as might be expected from Uncle Billy, who, upon the whole, was rather proud of his exploit.

Ere our meal was finished, a "halloo" called us to the door. It was the sub-sheriff.

"I want to see Uncle Billy," said he.

"Here's Uncle Billy," replied the gentleman. "What is it, Dick?"

"I've a message for ye from Lefe Thompson," continued the sub-sheriff. "I called at his camp very early this morning, and he sent his thanks to you for leading back his father's horse, that he had borrowed to carry his wife to the river, and wanted you to send him to the old man to-day, if possible."

"There," said Judge Guffey; "Uncle Billy, you are like your last night's job, more plague than profit."

CHAPTER V.

THE BIG THICKET—THE AUTHOR "IN A FIX."

A DAY or two had passed by, after Mr. Lefe Johnson's escapade, when Joe and I again took up our line of march for the "Big Thicket."

Had Joe been a Gothamite "to the manner born," his genius and inclination would have led him to Wall street, for he was great upon speculation, usually spending one third of his time in expeditions "up country" in search of silver mines; another third in hunting "bee trees," and taking possession; and the greater part of the remainder in studying how to get a living without work.

But, alas! Joe had never heard of "bulls" without horns, nor dreamed of meeting a "bear" unless there was mischief "bruin." The labor of a few days sufficed to make his somewhat scanty crop—a few more to gather his stock of cattle, and this left him the rest of the year to follow the bent of his inclination, which, without being what may be technically described as "crooked," nevertheless had as many twists and ramifications as the horn of a veteran of the flock and fold.

His last silver mine speculation had, as usual, proved unfortunate. He had spent six months in vainly searching the banks of the upper "Trinity," for the much coveted treasure, but found no banks there that paid specie. He had barely escaped starvation, and being scalped by the Indians, had returned home not particularly overburdened with clothing, and with the little that remained, of a multifarious and forlorn character, for his tailoring had been of the rudest; somewhat approaching the Adam and Eve style of the art.

His tobacco, coffee, and ammunition—the three *sine qua nons* of a backwoodsman—were nearly expended, and so he set his scheming head to work, to find or invent—*aut viam invenit aut fecit*—some plan to procure a proper supply. These three aforesaid articles, as I have just hinted, to a frontier man, are strictly speaking the indispensables, for a small patch of cotton and an industrious wife provide his clothing, or if necessary the never failing rifle is called into requisition for a buckskin. A minute portion of the surface of our universal mother supplies his bread; almost all are provided with a stock of cattle or drove of hogs, and if not, the universal rifle is again summoned into the field.

A wolf skin, or the nearest palmetto brake, furnishes him with a hat, and a raw hide or deer skin, with a covering to his feet. So that if his be not a life of genuine, though too often lazy independence, we know not the correct interpretation of the term.

Within four miles of Joe's cabin, through a thicket so dense that even in that country of tangled forest, it is known—*par excellence*—as the big thicket, runs the San Jacinto, a stream whose waters, pure and pellucid, traverse the finest timber in the world, and according to Joe's account, are patronized by an extensive variety of very superior fish. Now this *fish* part of the business was put in as a magnet, to attract me, and I had to trust Joe's word for it, as he was the only man in the settlement who had ventured to explore the tangled maze.

Joe's brain had generated a prodigious idea, worthy at the least of the immortal Jack Tibbets, and the sum of it was, to go to Houston and pick up a score or so of the disbanded volunteers that were hanging about the town, with whom to enter into an extensive lumbering operation in the stave and shingle line. According to his calculation a fortune was to be realized in a very short time; but having ~~had~~ some slight experience in his vagaries, I determined to reason the matter with him, and try an experiment ere we plunged blindly into a serious matter.

Reason he would not hear; he had thought the affair over to his perfect satisfaction, but the experiment he finally agreed to try, and thus the compromise had been ultimately settled. We were first to spend a month in the "timber," to *prospect*, as they would say nowadays. Joe as master workman and director-in-general; I as occasional assistant in the shingle business, and fisherman in ordinary attached to the commissariat department.

This plan was perfectly satisfactory to me, for one month, I knew, was quite sufficient to give a quietus to any of Joe's plans, that included personal exertions upon his own part; and in truth I had heard so much of the fish, that a desire had seized me to capture and taste of them.

Our first excursion, or rather incursion, was made simply and solely as a voyage of discovery. Our only sure guide to the spot was the fact that some two miles up the prairie ran, or perhaps as often stood, a "bayou," which crossed it on its way to the river, and three miles below us was a "*marais*" or slough, which, according to my friend Joe's account, changed into a "branch:" then after running through a cypress brake or two, ultimately assumed the form of a palmetto swamp, and in that guise joined the river. Now these two land, or rather water-marks, gradually converged, and at last nearly met, so that all we had to do was to keep the "bayou" upon the right hand, and the swamp upon the left—a modern version of Scylla and Charybdis—and with the aid of patience, a huge hack-knife, Joe's woodcraft, and extreme good luck, we might, barring accidents, and the over-clouding of the sun, finally hope to attain the point proposed.

There was, to be sure, a kind of path—rather a mythological affair—supposed to have been originally marked out by some ancient party of surveyors—partly kept open by cattle where the thicket was not very dense, and occasionally in other parts by such of the "varmint" as could crawl through the cane and under the briers, so that now and then a remnant was visible; but as both ends were totally blotted out from existence, and only a few marks of where it had been, remained, it was, if anything, rather worse than useless.

The first part of our journey was effected on horseback; but after proceeding some half a mile into the "timber," this mode of progression was suddenly brought *to* a period by the dense undergrowth, and we were reduced to a very natural and primitive style of locomotion.

This spot had been aptly named the "big thicket." Immense bamboo briers, like vegetable *Pythons*, twined and intertwined, crossed and recrossed, from tree to tree, and shrub to shrub, forming a natural trellis-work for the thousand and one wild and beautiful vines that abounded there. The "passion vine," with its singular flower and luscious fruit; the cypress vine, with its dazzling gem-like blossoms, whose form is said to have suggested the pentagonal star of the Texan flag; the morning-glory trebling in size and beauty the stunted dwarfish thing found in our northern gardens, and an immeasurable host of others of minor importance, clung to them.

Above our heads the gigantic wax-like blossoms of the magnificent magnolia grandiflora shed a perfume rivalling that of the lotus, while from the branches of every tree, the trumpet-creeper, the parasite *par excellence* of the vegetable kingdom, suspended her crimson coniform cups. Birds of showy plumage and joyous voice—the dandy paroquet—the log-cock with his gaudy head-dress—the dusky mocking-bird, whose imitative but inimitable song more than compensates for his Quaker attire—were flitting to and fro, hopping from twig to twig so careless and unconcerned, that it was evident they were seldom annoyed with a visit from the fell destroyer, man.

We had now to contend for every step we gained; knife and hatchet were in constant requisition, and for one hour we pressed on in Indian file as fast as we could. Joe now announced the discovery of a tree, which we recognised as one that grew near to the neglected trail, and towards it we made our way. On reaching it, we found it truly near something that might have been a trail, or might have been a rabbit-path, and which led us in a few minutes into a cane-brake, where the rank cane grew in wild luxuriance, thick, according to Joe, as "the *hars* on a dog." Joe said, "he allowed *this* wouldn't pay for powder," for we had certainly stumbled into the slough which formed our southern boundary—and so off we started in an opposite direction. Unfortunately, while following our trail, the sun had become obscured; and we had been so busy cutting our way, and keeping in the path, that we had neglected to take an observation of the prominent trees ahead of us.

The backwoodsman's compass—the black and rough bark upon the north side of trees—failed to assist us, for so thoroughly defended were they by the dense thicket, that the bitter northers seemed to have produced no effect upon them. Under these circumstances, it was perhaps not in the least surprising that, after floundering about awhile in the bush, we found ourselves in an immense and gloomy cypress-brake.

Reader, did you ever see a cypress-brake? If not, you have yet one nameless horror to experience—your first emotion upon beholding one. The brake is always upon low ground, or rather in a swale, which, during the rainy season, is filled with water; but the one into which we had stumbled was perfectly dry, excepting here and there a puddle, containing rather more mud than water, and densely populated with that most vile of reptiles, the moccasin snake—great numbers of which had congregated there.

The ground was perfectly bare, fibrous, and free from anything like grass or vegetation, save an occasional cluster of rank and noxious vines, of a sickening, deadly green. From this drear abode arose the trunk of many a huge cypress, shooting up its straight and living shaft far, far above our heads, seeming almost to pierce the clouds, and at a great height outstretching its spectral arms, shrouded and draped with the fatal "hanging moss," which lives, and feeds, and thrives only upon malaria and vapor of the most deadly kind. No settler builds his cabin near the spot where its sombre curtain is seen waving to and fro, but he shuns it as being a sure token of the presence of pestilence and death.

Around the foot of each tree are standing a number of those singular conical-shaped shoots, termed needles, resembling so many grave-stones, and slowly crawling among them, or lying stupid and sullen, with its mouth wide agape, is ever found the filthy moccasin. No token gives he of his presence like the tocsin of the chivalrous rattlesnake; but, should you approach too near, you would soon feel his venomous fangs, more fatal even than those of the latter. He is the most hateful of his hateful kind, a truculent coward, and never, save in one solitary instance, have I known one to offer an attack, or to notice one in any other manner than by slinking hissingly away.

To my surprise, Joe seemed quite satisfied that we had fallen in with the swamp. His reasons, however, were good: "For," said he, "this is either a part of the slough —and, if so, must be near the river—or it joins the bayou, and if this be the case, we cannot be far from it either, because the slough and the bayou do not approach each other until near it."

Out of the brake we scrambled, intending to make our way between the two obstacles, but we had not proceeded far when the sun made his appearance, shining, to my astonishment, not in our faces, but upon our backs. Joe, however, nothing daunted, took it very quietly, merely muttering something about having taken a "back-track," and then wheeling about, with the sun for his pilot, guided me directly to the river.

A more beautiful stream never gladdened my eyes; running over a bed of pebble and rock, between shelving banks of glistening sand, white as the unsullied snowflake, it resembled rather one of our pure and joyous northern waters, than anything of the kind I had before seen in the south.

In a deep pool immediately beneath the overhanging bank upon which I was standing, however, a half grown alligator, floating lazily upon the surface, and the occasional flash of the fins and tail of that shark of the fresh water—the gar—assured me of the southern locality.

Strong was the temptation to cast a line into the blue depths below, but alas! the means and appliances were wanting. The day was Sunday, and Joe, albeit far from a bigot, was a very aristocrat in his feelings, and had put a decided veto upon taking with us any tackle for fishing.

"He was not," he said, "sot up about Sunday, but huntin' and fishin' on that day wer *clar* nigger, and went agin him;" and so I dropped the subject.

After strolling down stream and selecting an eligible spot for our camp, we returned; and, although we lost our way again—which, by the by, we never after failed of doing, either in going in or in coming out of the brake—yet, at length arriving safely at the place where our horses were tied up, we mounted them, and soon reached home.

During the evening I thought of nothing but the fish; my dreams that night were full of them, and I awoke next morning with the full and fixed determination, that come what might, that day would I cast my line into the crystal waters of the San Jacinto.

Joe, for a wonder, had something to do, and after advising me to abandon the idea of visiting the river alone, finally submitted, saying that there was nothing like learning, after all, and giving me the best advice and direction in his power, bade me God speed, in his own rough fashion.

At an early hour of a bright morning did I set forth upon my mad-cap expedition, and after some three or four hours of vigorous exertion, found myself, heaven knows where. The thicket seemed to grow more dense at every step, until at last I reached something that resembled a new-made path. The thick tall cane had been trampled and crushed, so that for a time I made famous headway. As I was pressing onward, a rattling of cane caught my ear, and peering into the thicket, I saw something that I was convinced at a glance must be either a clergyman, a chimney-sweep, or a bear, and as there was not the slightest probability of either of the former gentry being in such a latitude, I conjectured, and rightly, that it must be no less a personage than Sir Bruin himself.

At the identical moment when I made the discovery, my sable-coated friend had also ascertained my proximity, and not knowing but that I might be fair game for him, wheeled in his track and returned.

Totally unarmed, save a large hack-knife, I stepped aside to a huge tree, and placing my back against it, awaited his coming. It was but a moment; the cane parted, and there he stood, but stood not long.

I have before in my life made some noise, yet it was surely but as silence, when compared to the yell with which I greeted him. Which of us was the more alarmed I know not, but the victory was with me. Bruin retreated without tap of drum, and, with a snort resembling that of a plethoric specimen of the porcine genus in a state of excessive alarm, abandoned the field.

My joy at his departure was much increased by the discovery that the tree where I was standing, was upon the bank of the bayou, which I now determined to keep in sight until the end and aim of my journey was attained.

In a few minutes I fell in with a path newly cut in the dense cane, and pressed onward with renewed vigor.

Presently I came to a tree which bore so striking a resemblance to the one which stood upon the scene of the bear's stampede, that I paused to look at it, but remembering that it was no phenomenon to find two trees similar to each other in the forest, I resumed my course.

After the lapse of a short interval, I passed a third, then a fourth, and finally a fifth tree, all alike, and for the first time, the many tales I had heard of lost travellers moving round and round in a circle, from which there seemed no escape, flashed upon my mind.

But no, this might not be; I had kept the banks of the bayou upon my right, and must now be going down stream. However, for my satisfaction, I determined to mark the tree with a "blaze," did so, and went on. In a short time my vegetable "old man of the sea" again hove in sight, and upon examination there was the "blaze" I had so lately cut.

It was perfectly inexplicable. Had I gone mad? Was this some illusion of the senses? I thought, and with a shudder, of a certain old, withered, parchment-faced African negress, a privileged character in Joe's settlement, whose hitherto undisputed claims to the possession of magic power I had seen fit to call in question and ridicule only the previous evening, to the manifest alarm of the listeners.

A moment's reflection, however, banished all this, and laughing at my singular situation, I determined, *coute qui* *coute*, to escape from this modern labyrinth. Down the precipitate banks of the bayou I dashed, and made my way, now upon one side of the nearly dried up stream, now upon the other, and now through the shallow water in its bed. Once more and for the last time my tree was seen, and the mystery was solved. It appears that I had stumbled upon a peninsula formed by the bayou's doubling upon itself. The entrance was but a step from bank to bank, and my chance of finding the way out by the same isthmus was small indeed.

By the time I reached the river, the sun was declining, and threatening clouds warned me to make the best of my way homeward. Without experiencing any serious mishap, save my reaching the prairie, three miles above the proper place, I arrived in safety, perfectly satisfied with my exploit, and willing in future to wait Joe's motions.

CHAPTER VI.

HOW I CAUGHT A "CAT," AND WHAT I DID WITH IT.

AT last behold us fairly located upon the banks of the river, where Joe had selected a fine, hard shingle beach upon which to pitch our camp. This same camp was an extemporaneous affair, a kind of *al fresco* home, formed by setting up a few crotches to sustain a rude roof of undressed shingles, manufactured impromptu,—there known as "boards,"—supported upon diminutive rafters of cane.

This done, a cypress suitable for a canoe, or "dug out," was selected, and in two days shaped, hollowed out, and launched. Fairly embarked now in the business, I found but little difficulty in obtaining a supply of green trout and other kinds of river fish, but the huge "Cats"—where were they? I fished at early morn and dewy eve, ere the light had faded out from the stars of morning, and after dame Nature had donned her *robe de nuit*,—all was vain.

Joe counselled patience, and hinted that the larger species of "Cats" never ran but during a rise or fall in the river, and must then be fished for at night.

One morning, heavy clouds in the north, and the sound of distant thunder, informed us that a storm was in progress near the head waters of our stream. My rude tackle was looked after, and bait prepared in anticipation of the promised fish, which the perturbed waters of the river were to incite to motion.

Night came, and I left for a spot where I knew the Cats must frequent; a deep dark hole, immediately above a sedgy flat. My patience and perseverance at length met with their reward. I felt something very carefully examining the bait, and at last tired of waiting for the bite, struck with force.

I had him, a huge fellow too; backwards and forwards he dashed, up and down, in and out. No fancy tackle was mine, but plain and trustworthy, at least so I fondly imagined.

At last I trailed the gentleman upon the sedge, and was upon the eve of wading in and securing him, when a splash in the water which threw it in every direction, announced that something new had turned up, and away went I, hook, and line, into the black hole below. At this moment my tackle parted, the robber—whether alligator or gar I knew not—disappeared with my half captured prey, and I crawled out upon the bank in a blessed humor.

My fishing was finished for the evening; but repairing the tackle as best I could, casting the line again into the pool, and fixing the pole firmly in the knot-hole of a fallen tree, I abandoned it, to fish upon its own hook.

When I arose in the morning, a cold "norther" was blowing fiercely, and the river had risen in the world during the night. The log to which my pole had formed a temporary attachment, had taken its departure for parts unknown, and was in all human probability at that moment engaged in making an experimental voyage on account of "whom it may concern."

The keen eyes of Joe, who had been peering up and down the river, however, discovered something upon the opposite side that bore a strong resemblance to the missing pole, and when the sun had fairly risen, we found that there it surely was, and moreover its bowing to the water's edge, and subsequent straightening up, gave proof that a fish was fast to the line.

The northern blast blew shrill and cold, and the ordinarily gentle current of the river was now a mad torrent, lashing the banks in its fury, and foaming over the rocks and trees that obstructed its increased volume.

Joe and I looked despairingly at each other, and shook our heads in silence and in sorrow.

Yet there was the pole waving to and fro, at times when the fish would repeat his efforts to escape—it was worse than the Cup of Tantalus, and after bearing it as long as I could, I prepared for a plunge into the maddened stream. One plunge, however, quite satisfied me; I was thrown back upon the shore, cold and dispirited.

During the entire day there stood, or swung to and fro, the wretched pole, now upright as an orderly serjeant, now bending down and kissing the waters at its feet.

The sight I bore until flesh and blood could no more endure. The sun had sunk to rest, the twilight was fading away, and the stars were beginning to peep out from their sheltering places inquiringly, as if to know why the night came not on, when I, stung to the soul, determined at any hazard to dare the venture.

Wringing the hand of Joe, who shook his head dubiously, up the stream I bent my course until I reached a point some distance above, from which the current passing, dashed with violence against the bank, and shot directly over to the very spot where waved and wagged my wretched rod, cribbed by the waters, and cabined and confined among the logs.

I plunged in, and swift as arrow from the bow, the water hurried me on, a companion to its mad career. The point was almost gained, when a shout from Joe called my attention to the pole: alas, the fish was gone, and the line was streaming out in the fierce wind.

That night was I avenged; a huge cat was borne home in triumph. How I took it, or where, it matters not; for so much time having been occupied in narrating how I did not, I can spare no more to tell how I did.

The next point was to decide as to the cooking of him. Joe advised a barbacue; "a fine fellow like that," he said, "with two inches of clear fat upon his back-bone, would make a noble feast." Let not the "two inches of clear fat" startle the incredulous reader, for in that country of lean swine, I have often heard that the catfish are used to fry bacon in.

But to the cooking,

> We cooked him that night, and we cooked him next day,
> And we cooked him in vain until both passed away.

He would *not* be cooked, and was in fact much worse, and not half so honest as a worthy old gander—once purchased by a very innocent friend of mine—that was found to contain in its maw a paper embracing both his genealogy and directions with reference to the advisable mode of preparing him for the table; of which all that I remember is, that parboiling for sixteen days was warmly recommended as an initial step.

Sixteen days' parboiling I am convinced would but have rendered our friend the tougher. We tried him over a hot fire, and a slow one,—we smoked him, singed him, and in fine tried all known methods in vain, and finally consigned him again uneaten, to the waters.

CHAPTER VII.

THE RIVER CAMP.

THE location of our camp upon the river was very romantic, if the purpose to which it was devoted was not; and for solitude, it might have suited Zimmerman himself. The banks of the river were quite high, but did not rise at once or precipitously, bearing no resemblance to the bold bluff shores that confine nearly all southern rivers, and invariably impart a desolate and lonesome feeling to the traveller; seeming, as it were, to shut him out from the world by some new Chinese wall.

The banks of the Upper San Jacinto, on the contrary, rise terrace upon terrace, one above and behind another, covered with a thousand varieties of luxuriant plants and flowers, and might compare favorably with the hanging gardens of the East. Above, upon the height, towered immense trees, indicating in their varieties the nature of the soil that gave them birth and fostered them.

Here a grove of majestic magnolias, that pierced the clouds with their heaven-aspiring shafts, announced the presence of a warm, sandy loam; there the funereal cypress, spreading widely and boldly its skeleton arms abroad, draped with festoons of the deadly moss, told that its roots were imbedded in some moist swale or brake, at once the home of the moccasin and rattlesnake, and the pasture of the wild bee, who distils honey from the rank and noisome weeds that flourish, and the creaming pools of stagnant water that abound there, and finds a home in the vacant heart of some aged giant of the woods. Further down, a number of tall pines exhibited their dark green pyramids in bold relief against the clear sky, and spoke of the barrenness of the land; while opposite, the luxuriant growth of cane, and the wild peach, announced, in a language very intelligible to the land hunter, inexhaustible treasures beneath their feet. As far as the river was visible to us, the different varieties of trees bent their tops from the main bank, as if saluting the fair stream that was carelessly straying beneath their feet.

Our camp was located in a bend, where the river spread out into a mimic bay. Some quarter of a mile above us it suddenly burst upon the sight, as seemingly in a great hurry it turned a very short corner; but perhaps finding that it had chanced upon a spot that was passing fair, or for some other reason not half as good, forgetting its haste, it moved along more gently, dallying with the banks, and scooping out a deep place where it turned around for awhile for all the world like a kitten chasing its tail, and then, as if tired of its fun, or—catching sight of our camp—ashamed, like some grave people, of being caught engaged in a frolic, it spread itself out, and strolled by us with its hands in its pockets, and in a very majestic and dignified manner. A few rods more, and a new idea entering its brain, or desirous of making up for lost time, off it hurried again at top speed, in a shallow way, but enjoying the best of spirits, kicking up quite a dust among the pebbles at its feet, as it rolled them merrily along, bringing the poor little fish that were endeavoring to get up in the world, to a stand-still—they, wagging their tails, and wondering what the deuce was the matter now; and finally changing the merry roundelay that it had been gaily trolling into a loud, boisterous, brawling song, it dashed around another corner in a prodigious fury, breaking its head against a troublesome ledge of rocks that were lying in ambush on purpose to play it this scaly trick. It was now entirely lost to sight, but could be heard for quite a distance as it pursued its noisy way, evidently in anything but the best of tempers, and raising its voice, now hoarse and quarrelsome, in bitter complaint of the ill treatment that it had received.

In the exact centre of the aforesaid bend, a very pretty piece of sedge that skirted the shore in the form of a crescent, united the water and the land; and immediately in its rear, but perhaps not more than one foot higher than the river, extended a broad platform of hard sand, white as the snow from heaven, and sparkling like frost gems upon a winter night. Some fifteen feet again above this, and joined to it by a gradual and easy slope, was another flat of similar material, forming a small but perfect piece of tableland. Upon the latter did we pitch our tent in the wilderness.

Being in great haste to catch my catfish, I dismissed the very important matter of the construction of our forest home in an exceedingly summary and contemptuous manner, and one entirely unworthy so important an event.

To retrace my footsteps: We arrived at the river, and selected our building spot about 2 P.M., and Joe immediately announced that, if we did not intend to use the sky for a blanket, and did intend to sleep like white folks, we had better be stirring at once.

I looked around rather troubled, not seeing anything to stir, and moreover not being particularly burdened with any great skill in woodcraft as yet, and felt quite uncertain as to how we were to complete a building suitable to contain "white folks" before the already declining sun should have gently edged himself out of sight behind the lofty tree tops.

Consoling myself, however, with the reflection that Joe was truly wide awake in the woods, however fully his somnolent propensities might have been developed in the settlement, I concluded to place full reliance upon his tact and sagacity, and to obey his orders if convenient and satisfactory, which was, perhaps, the wisest course I could have pursued, especially as I could not help myself.

By his directions, I went to work at fire-building, and was to cook our rude meal, while he should search a cypress brake at a short distance down stream, until he might discover a tree that would answer the double purpose of boat-building and shingle-making; and when one should have been found, I was to be informed of his success by one of his peculiar "yips," which would also answer a double purpose—keep up my spirits, and show me where I should direct my more feeble and unpractised voice when the pork, potatoes, and coffee were prepared.

Joe must on that day have been in high favor with the fickle goddess, for scarcely had the faint flame flashed up from among the crackling sticks, when a yell was heard, to which the roar of a bull was but as a gentle whisper, and the screech-owl's note but as the song of the nightingale. I stood transfixed for a moment, until old Echo, having taken up the cry and bandied it from shore to shore, finally carried it afar off, and lost it in the dim distance, and then I tried my voice at a reply. It would not seem that my attempt at rivalry was crowned with any distinguished success, for I heard a very distinct rumbling away in Joe's direction, which, if there be any inferior denomination of the horse laugh, known as the horse chuckle, would certainly have come up to my idea of one. It sounded like a bear suffering under a severe dispensation of bronchitis.

Abandoning all idea of excelling Joe's performance as "the *yell-er*" flower of the forest, I went to work in the culinary department in good earnest, but ere the faint odor from the frying pork pervaded the atmosphere, causing the "varmint" that inhaled it to wonder what new celestial perfume had visited their "diggins," and inflicting the cruel pangs of a severe appetite, and nothing at hand to remedy it, upon any stray wolf that chanced to be within a mile, the ponderous ring of Joe's well applied axe—astonishing the old woods for the first time—told that he had commenced operations in a determined manner. As the fresh and grateful air of the river fanned my brow, moist from the unwonted occupation in which I was engaged, a thought occurred to me that it was now my time to smile; that Joe was getting the worst of it, and that I should not be compelled to make my debut with an axe for that day at least.

The pork was at last fried to a turn, and safely deposited in an old tin pan that served us for table, dishes, and all; a batter of corn meal and water had taken the pork's place in the frying-pan, and was converted into very respectable something—I cannot stop to invent a name; the delicious aroma of coffee filled the air with fragrance, and the nicely roasted sweet potatoes were prepared for the table in imitation of the celebrated roots of Marion; all was ready, and this time Joe did not scorn my cry.

Reader, did you ever eat a dinner in the wild woods? I do not mean one of those miserable counterfeits known as "pic-nics," consisting of city delicacies for sated appetites, but a true, rude, yet appetizing meal, far away from the demoralizing influence of French cookery, and served up with the most potent of sauces—a genuine woodsman's unaffected hunger. If you have, you would have given a month of Delmonico's delicacies for a few minutes' chance at the rude but cheerful board, although the said board was but a tin pan after all.

A hearty drink of cool and excellent water from the river beneath us, and two stone pipes, with handles of young cane, were produced from our respective pockets, and soon in full operation.

The serious business of discussing dinner and a dessert of pipe-smoke being duly concluded, I thought it time to descend to more trivial matters, and inquire of Joe if the work went bravely on.

"Well, Joe," said I, "from the style of attack you have kept up on that unfortunate tree, I reckon you don't need much of my help to get it down."

"Don't, eh?" replied Joe. "Well, if you allow that I can lay out a cypress four feet thick as high up as I can chop, in half an hour, you must put me up as some punkins. No, sir, thar's a good hour's work for both, and we'd better be at it."

So at it we went, and after due time, the outlay of much misapplied exertion, and at the expense of a pair of severely blistered hands upon my part, down came the huge tree with a thundering crash, frightening many a bird and beast, to say nothing of the prodigious alarm it must have caused among the large fraternity of snakes that inhabited the brake, and that probably took the unusual noise and commotion for little less than an earthquake.

Actively plying now the cross-cut saw, we severed from the trunk a proper log for the construction of our boat, and then took off several blocks, wherewith to manufacture the requisite covering for our rustic mansion. We rolled the latter to our camp, and soon split them in parts ready for the riving iron or "frow," and then procured ten crotches of proper length, and fixed them firmly in their places. The two centre sticks were longer than the rest; in front of these we placed four in pairs opposite each other, while for the rear support, we cut them much shorter, allowing the last pair to project but little from the ground. We then cut stout straight poles, and placed them in the crotches, and across these again a quantity of green cane from the adjacent brake to form our roof timbers.

Half an hour's work now furnished us with a supply of boards, as undressed shingles are called, and beheld our house completed and ready to receive us before night. Of course this, like all other new buildings, required some additions and alterations; for instance, on the north side we afterwards appended a shed, which sloped to the ground, had a large hole in the roof, and answered as a kitchen in wet weather. This and one or two minor improvements completed a hut that perhaps would not have been much protection from the severities of a more northern climate, but was just the thing for us, and perfectly weather-proof as far as rain was concerned.

Immediately opposite, grew a great number of fine cypress trees, which we felled as we needed, and found but little difficulty in getting the raw material to our camp. Cut in proper lengths, we rolled them down and floated them over, to be piled up in front of our workshop.

In the beginning, we made a few experiments at shingle-making in the "timber," but soon found that it would not pay, for the musquitoes, that did not at all affect our hard sand beach, swarmed in countless myriads in the swamp, and could only be kept at a respectable distance by building fires about us and working in an atmosphere of smoke. We therefore deemed it advisable to do our finishing work in the camp above, and soon a noble pile of shingles arose behind it—witnesses of our industry.

Joe estimated their number every night, and calculated to a fraction—something in the style of the milkmaid in the spelling-book—the exact amount of necessaries and luxuries into which they could be converted when once boated and rafted to Galveston.

It may seem strange that Joe, owning as he did a fine herd of cattle and a sufficient clearing, should resort to labor which was evidently not homogeneous to his disposition, in order to procure a little money, or a few pounds of coffee or tobacco, powder or lead.

As is the case with all new countries, there was no currency; literally, no money. The republic has been flooded with countless government bills, some of them issued and passed at seven dollars for one, and at the time of which I write, not of the slightest use, except, perhaps, to light a pipe with.

Among the limited number of planters that then raised cotton, a little money was sometimes to be found, if their store bill did not overrun their crops; but with the stock-raisers who occupied all the prairie-coast country, not one in ten could boast of a dollar. Their circulating medium possessed locomotive powers, and circulated upon its own legs. It consisted simply and solely of cows and calves. We have all heard of riches taking wings to themselves and flying away. Their wealth often walked off upon four feet, and when most needed, was very apt to turn up missing.

A cow and calf always passed current as ten dollars, and so was it understood in all transactions. If a man were asked the price of his horse and he should reply "Fifty dollars," he would mean five cows and calves, and nothing else. A note for so many dollars implied only a certain number of quadrupeds, and unless a money form of payment had been particularly specified, it could not be collected even by law.

Now, cows and calves are very useful things in their way—when not in your way. They look very pretty upon a green prairie, and appear to great advantage, if skilfully depicted, in a fair landscape; they are also indispensable necessities in the milk, butter, and cheese department; but when it comes to travelling about with a dozen or so in one's pocket, and shelling out a calf for a pair of shoes, or asking a man to take his change out of a cow for a tavern bill, the thing is quite preposterous.

The man who has to travel fifty miles to procure his little luxuries, would be puzzled to drive a few cattle every time he went; nothing but a large herd could be driven, and then, with a number of men, it would be slow business. More than all, the merchants would not acknowledge the currency as legal tender, or receive anything in payment for their high-priced articles, but what they could turn into money, wherewith to pay their debts, and refill their exhausted shelves and empty barrels.

It therefore must appear to the most careless observer, that although there was no want of this kind of stock in the land, yet it could scarcely be ranked among the "convertibles."

There was, to be sure, a business house at Brazoria that issued small bills, from twelve and a half cents upwards; there was also another at Galveston; and again, the Government had put forth a few exchange notes that were at par, but all of them—small enough in the aggregate—could only be obtained by money itself, or its equivalent.

Congress indeed undertook to legislate the difficulty out of existence in their own peculiar way. A bill was introduced to establish a Government Bank, which was to loan money upon all fields of growing cotton. Had this plan succeeded, it is probable that each legislator would have abandoned his post almost instanter, rushed home, set to work every negro that he could hire or purchase upon credit, and, having planted as many acres as possible, have posted up to the bank immediately for his share of the spoils.

The bill was in direct violation of the Constitution, which prohibits banks *in toto*, and as the Congress was then in session at Houston, where a mercantile community might have rewarded so high-handed a piece of business on the spot, and even upon the honorable person of the projector, it was deemed advisable to discuss the matter in secret session and with closed doors.

One of the Senators, however, who either had too much liquor in his head, or honesty in his heart, to keep the secret, left the State-house and addressed the people upon the subject. Congress deprived him of his seat and dismissed him from the Senate, but a new election being held immediately, he was reinstated; carried by acclamation, and absolutely borne upon the shoulders of his friends, he was ushered into the Senate accompanied by a shouting crowd.

Congress took the hint, and neither prosecuted the bill nor persecuted their Senator any further.

The hero of this event was known—and is yet, if he be alive—as Honest Bob, and upon the strength of this title ran for the Presidency, and received, I believe—one vote.

The hides of slaughtered beeves—and they amounted to a goodly number in the course of a year, for economy of meat is by no means one of the stock-raiser's virtues—were cash articles; these, with a few hard and miserable cheeses, were all that a very large class of settlers had to depend upon, to secure those articles which they were forced to buy.

A family of genuine Down-Easters, that had settled some twenty miles below, had tried their hands at shingle-making, and succeeded very well in a small way. They rafted their "plunder" some fifty miles down the river, and then shipped it upon trading vessels bound for Galveston, where it was disposed of at large prices. Joe, however, as I have previously stated, had other and more extended ideas. Having chanced to light upon the price of white oak staves in some old newspaper, he determined, as soon as a few dollars could be realized, to pave the way, that he would engage a large gang of hands and slaughter the old oaks without stay or remorse.

Well, go thy ways, Joe, for despite a crotchety brain, an unsteadiness of purpose, and a determined grasping after some ideal mode of easily acquiring wealth, a truer, more kindly, and more honest heart never beat in manly bosom.

One great impediment to the successful prosecution of our business was the difficulty we experienced in keeping a supply of food on hand. Joe was for no half rations ; and the inexorable demand of an appetite, occasioned by our mode of life, made such severe requisitions upon our larder, that it required replenishing every week, and the exodus from, and return to, our forest home was rather a serious matter, generally—with the time occupied in preparing provisions and seeing to home wants—wasting two days.

Joe was an early riser ; the sun never found him reposing upon the pile of shavings that formed his humble couch. I, however, could not so soon shake off my city-acquired bad habits, and so all the drudgery of making fire and preparing breakfast fell to the share of my companion.

One morning, as we were wending our way to the swamp, Joe stopped, and directed my attention to a small pile of half decayed twigs of the white birch. Upon its outer edge, and within a circumference no larger than the head of a hogshead, were coiled up five venomous snakes, who had not yet aroused themselves and shaken off the torpor occasioned by the chill of night. Exactly in the centre was the mark of one of Joe's bare feet, where it had crushed through the rotten wood and made its print in the sand without alarming the sleepers. We made short work with them, and ever after Joe took the precaution of booting himself before making any more early excursions.

CHAPTER VIII.

STORIES BY THE CAMP FIRE.

Our nights by the camp fire were hours long to be remembered. Joe was a capital story-teller; he believed thoroughly in all the marvels that he narrated, while very common and ordinary events in the great world would appear to him incredible indeed. It was with him a realization of the story touching the old lady, her sailor son, and Pharaoh's chariot wheels.

Lafitte and his piracies formed the great staple of his conversation; and, stretched at full length before the blazing logs, I have listened for hours to his wonderful accounts, as much interested in the man and his stories, as ever the Caliph of the Arabian Nights was in his wife's narrations.

Joe knew where a vast sum of Lafitte's money was buried. He had had the very spot, nay the identical tree, so accurately described to him, that there could not be the least doubt of his obtaining the treasure, if he could but find a proper assistant to accompany him. Not deeming that Joe will be a loser by any breach of confidence upon my part, I will impart the great secret to my readers.

A few miles inland from the Gulf of Mexico, and connected with it by a narrow outlet, is a large strange lake, unfrequented and almost unexplored by man. It is known as Lake Mermentou, and receives into its sluggish bosom the waters of a filthy bayou, as muddy as itself.

In the very centre of this lake—and it is large enough to appear to good advantage upon our maps—is a solitary island, and upon the centre of the solitary island grows a solitary tree. The tree is a peccan tree, and the island is Peccan Island, and upon the island, and immediately underneath this tree, is deposited—according to Joe's belief—a mint of money.

It was hidden there by the pirate himself, who ascended the lake in a small boat, containing a chest of gold and gems, and manned by one person besides himself. They dug a deep pit beneath the solitary tree, and with many heathenish and blasphemous ceremonies, in which the devil is supposed to have borne a prominent part, deposited the treasure. Before filling up the pit, the pirate chief performed one ceremony more, which his aid had not calculated upon, and which was neither to be found upon the bills, nor included in the general orders for the day, but was probably suggested impromptu to Lafitte by Old Nick, who is supposed to have stood at his elbow aiding and abetting.

When the heavy chest had been lowered down to its abiding place, Lafitte ordered his mortal assistant to jump down also, and stuff a quantity of canvas and oakum about the strong box, to protect it, it may be, from the dampness of the ground. When this duty had been carefully performed, as the man arose and his head appeared once more above the surface, Lafitte, clapping a pistol to it, pulled trigger, blowing out what few brains were in it, thus binding the owner to keep the peace and the secret for all time in a most effectual manner, and also filling up the cavity in an expeditious and an economical way.

The man, of course, could not get out, but, according to the old saw, the murder and the secret did. Lafitte's tender conscience smote him so severely, that, while immersed in the slumbers of midnight, he gave a long and most particular account of the place and the transaction, and the thirsty ears of an old salt drank in the whole quite greedily. Nay, so scurvily did Somnus serve the sleeper, that he even divulged where lay snugly concealed a map of the lake, and also a paper containing directions as to the ceremony to be performed in disinterring the money.

These valuable and authentic documents the old scamp purloined, and had actually exhibited them to Joe. He also offered his services to Joe to accompany him and conduct the search; but the latter, although fully possessed of the existence of the treasure, strange to say, entertained some doubts of honesty of purpose on the old sailor's part, and fearing to incur a fate similar to that of Lafitte's confidant, declined the transaction.

Some time after, the sailor found a man who was willing to risk one of his negroes for a share in the spoils, and who furnished a small sum of money by way of outfit. The pair started upon their excursion, but were never after heard of, and Joe entertained no doubt but that the devil had caught them in the very act, and without a Bible to defend themselves with. I suggested the possibility of the sailor's using the money to run off the slave, and afterwards to dispose of him, but Joe scouted the idea.

There was perhaps some foundation for Joe's piratical legend. Lafitte, who for many years had levied upon all flags but that of our country, had absolutely undisputed possession of the numerous bayous that, straggling off from the lower Mississippi, wind in every direction through southwestern Louisiana, and after forming a labyrinth of swamps, lakes, and streams, finally find their way to the gulf. These were the avenues up which the pirate chief transported his plunder, and disposed of it to the settlers living upon or near to the streams, and many fortunes were made by this nefarious commerce.

Great quantities of various descriptions of merchandise found their way to New Orleans by the Mississippi, and were sold without question, if not without suspicion. So many persons had been engaged in this illegal traffic that they, with the refugees, at one time endeavored to stir up the state to an active resistance to the transfer of the country to the United States, and an ill feeling was engendered among the French that has not yet entirely subsided.

On the western bank of the Mississippi, about one hundred and thirty miles above New Orleans, stands the little town of Plaquemine, which consists of a tavern, a warehouse, a store, and perhaps three or four more buildings. It is known from its race-track, where twice each year a few petty races are run; and from its situation at the mouth of the very troublesome bayou Plaquemine, the key to all the great body of waters that wind through a large portion of western Louisiana. The water rushes in this aperture with great velocity, so great indeed that steamers descending the bayou are forced to run a number of miles stern foremost, and working against the stream with half a head of steam.

After retrograding down the bayou in this manner for nine miles, they arrive at the "Devil's Elbow;" and here, with their bows tied to the shore, the stern is hauled around by a hawser; and, then descending some six miles further "with a perfect rush," enter Grand Rivière, a huge lake-like body of water, doubtless once the old bed of the Mississippi, from four to six miles in width, and which connects with Bayou Atchafalaya, and a number of smaller streams.

Steaming for some 40 miles through Grand River the mouth of Bayou Courtableau is reached. So narrow is this stream, that the tops of the old forest trees arch over it, and its navigation must be puzzling indeed to a tyro. From its conflux with Grand River to the head of navigation, it runs through one immense forest or swamp, almost always under water, without a clearing or other sign of the presence of man, than two or three wood-piles and as many wood-cutters' shanties, elevated upon piles, each door adorned by a boat—the only means of locomotion from the hut to the wood-yard for half the year. During the dry months the "pile" is recruited.

At last, wearied to death with the gloomy and monotonous scenery, you emerge from the dark forest, and the little town of "Lafayette," the beginning of the prairie country, and the port of "Opelousas," a place of some importance, is before you.

Here was one of Lafitte's trading stations, and the scene of one of Joe's most approved legends, in which I took an especial interest from my personal knowledge of the locality, and acquaintance with one of the actors.

Opelousas, the shire town of the parish of St. Landry, had—and I believe yet has—one inhabitant who is regarded with universal and superstitious awe by the others. She was a negress, a native of St. Domingo, a person doubtless of infinite cunning, and of education far superior to that of many of the whites among whom she lived.

Her name I have forgotten, but have had, years since, the honor of a personal interview with her. In fact, having need of, I engaged her services, not with any satanic or diabolical intent, but simply to get up my linen, and must say that she proved to be a very superior person for her line of life and color, and also a most unexceptionable *blanchisseuse.* She appeared then to have been about forty years of age, but the Opelousans insisted upon it that she had seen twice as many summers.

This woman could, according to universal report, penetrate the walls of any prison and rescue its inmates, and it was generally believed that she had contrived a plan to carry off Napoleon from the English, and that it was only prevented by his death.

Ridiculous as this may seem, I have conversed with many who had placed implicit faith in it, and professed to the having been personally cognizant of her frequent interviews with agents from France. It is much more probable that they were agents of Lafitte, with whose affairs she evidently had much to do. Over the negroes she possessed unlimited power, and I have no doubt but that by the exercise of cunning, address, and a little gold, she has effected the escape of more than one criminal. One case in particular occurs to me. A wealthy planter lay confined in prison under sentence of death, for the crime of murder. At that time the cholera was raging, and it was soon reported that the condemned man had fallen a victim to the disease. Those who saw the corpse professed themselves satisfied with its identity, but few indeed had enough of courage and curiosity combined, to venture upon the spectacle.

A year or two after the planter's supposed death, it was reported that he had been seen by several who knew him. They had met him upon the upper Mississippi. Of course the negress received the credit of the affair, and it is not impossible but she might have either substituted a corpse for him, with the connivance of the jailor, or else produced a counterfeit presentment of death upon his part, sufficient to deceive those who were paid to be deceived. It is certain that the body was given up immediately to his family.

According to Joe, a certain Frenchman had acquired an immense fortune by his transactions with Lafitte. One day, among a certain number of bales received by him, was one which bore the mark of a bloody female hand.

This the negress happened to see, and for some unknown reason, it excited her utmost ire. Whether it was that she was really tender-hearted after all, and had issued her commands against the shedding of blood, or whether she entertained a private pique against the merchant, is not known; but upon seeing the bloody impress on the bale, she knelt down with bare head, a midday sun beating down upon it, and cursed the recipient of evil gains with a most bitter curse. She cursed him, and prayed in an awful manner that the lightning might at a stroke blast all of his ill-gained wealth.

As his possessions were somewhat widely scattered, the merchant felt inclined to scoff at her curses, and indulged in the idea that it would be somewhat difficult for one thunderbolt to destroy all of his fortune.

Years rolled on, and the trader settled down into a merchant, forgot the prediction, and built an immense store and warehouse upon the banks of the bayou, and on the very spot where lay the bloody bale, and where knelt the negress.

His buildings were just completed, the warehouse was filled with cotton that he had purchased, and the store groaned under the weight of the largest stock of goods ever brought to the prairie. The last blow of the carpenter's hammer was struck upon the building, and the last case of goods from the steamboat before the door, had been rolled in. It was just noon, the sky clear and without a cloud, and the owner, his friends, and the workmen, were sitting down to partake of a little dinner, expressly got up to "warm the store," when a deafening noise was heard, and in a few moments store and warehouse were on fire in every part. Every effort to subdue the flames was unavailing, and the owner was reduced by one blow from wealth to bankruptcy.

Joe said it was evident that the lightning did not come from heaven, but quite the reverse, and argued therefrom, that the negress had power only over the things below.

Time wore on, our pile of shingles began to assume quite an imposing aspect, and there is no telling how much we might have obtained for them, but that, just as we had almost completed as many as we had intended to raft, for our first essay, the near approach of a most important day —the wedding day of one of Joe's sisters—called us from pursuits in the green woods to a frolic at home.

CHAPTER IX.

A WEDDING AND A WOLF-HUNT.

A NEW phase of frontier life and a scamper across the prairie on a half wild Spanish horse at break-neck speed, were quite welcome after our toil, and far more congenial to my feelings than felling trees, handling cross-cuts, rolling blocks, or even such a night-hunt as Joe had introduced me to.

This was the first scene of the kind that I had ever witnessed; it occurred in the days of my freshest verdure, and I enjoyed it to the fullest extent.

Here let me drop a word of advice, *en passant*, to any and every one who may try his fortune in a new country. Do not pretend to any knowledge that you do not possess. If everything appears new, and queer, and strange, say so. Ask as many questions as you please; the more the better. You will find the backwoodsman not only willing, but happy to impart any information in his power, and he will take pleasure in showing you everything that may amuse and astonish you; but for the man who would play the Indian, and refuse an expression of either surprise or pleasure, small pains will be bestowed upon his edification.

Some years since the Hough family resided in Louisiana, but finding the range for their cattle becoming every year worse, one of the sons—our friend Joe—set forth as a pioneer to explore, and locate himself upon the more fertile plains of Texas, taking with him his wife and children. Here, in the days of the patriarchs, he would have pitched his tent, but having no tent to pitch, or no taste for a life in tents, or being intent upon a more permanent mansion, he set to work, and with the friendly assistance of a few near neighbors, living not more than fifteen or twenty miles distant, put up a log cabin. A sturdy arm, a sharp axe, and a willing heart, require but few days to furnish the backwoodsman with a secure shelter. Joe had travelled in a covered wagon, which contained his small family, and small stock of furniture—the latter probably consisting of an old chest containing the family wardrobe, a coffee-pot, a few tin cups, a steel mill to grind his corn, a skillet to bake his bread in, with a few spoons, knives, forks, pans, and pails.

His farming utensils were even fewer in number—a plough, an axe, and hoe, perhaps—nothing else. As for provisions, a supply of coffee and tobacco was indispensable; for everything else, except a little meal for immediate use, he relied upon his stock of cattle, to sell or to kill. Having completed his cabin, he now made a small clearing in the adjoining woods where to raise the corn for his family's bread. The next year his brother came out; the two lived and prospered. Their cattle grew in numbers. Before long, rumors of the fatness of the land reached the ears of the other members of the family, and out they trooped—men, women, children, and negroes, horses and cattle, until Joe began to imagine the population too dense for health and comfort. In fact, he complained bitterly to me, and expressed a determination of moving further, where he would have room to breathe, and the women could not quarrel about their chickens.

This settlement, whose density of population distressed our friend Joe so much, consisted at this time of five families, and not over forty individuals of all hues, ages, and sexes. Cupid had found his way into the wilds, and tempted a young man to commit matrimony with one of the daughters of the family after a very curt courtship, which was perhaps excusable, as the lover had to ride fifty miles every time he would visit his inamorata. Unfortunately for all who anticipated the fun and frolic usually incident to such affairs, death had been busy in the family but a short time previous, having with his remorseless scythe clipped off its head—and in consequence banjo and fiddle were tabooed, and dancing decidedly vetoed. On the wedding morning, the rain fell as it only falls in Texas, and the happy man, arriving drenched to the skin, was obliged to change his dress before he did his condition. However, as he had ridden in homespun, and preserved his best suit in his saddle-bags intact, he soon made his appearance decidedly renovated. If there was no dancing, there was plenty of feasting. The Houston stores had been laid under contribution, a host of fat things were spread before the assembled guests, and although I cannot affirm, as it is customary to do in similar cases, that the tables groaned under their unwonted burden—since, according to the very best information I have been able to obtain upon the subject, tables never do groan, but are basely slandered in this respect, yet they certainly creaked—and to make up the deficiency, the majority of the guests groaned in concert before morning. The old lady seemed to have taken an exact measure of each one's capacity, and as long as she imagined a stray corner existed unoccupied, so long she continued to heap her luxuries upon the unfortunate proprietor's plate. In the evening songs and stories, nearly as broad as they were long, intimately mixed with whiskey and water, circulated among us, and long ere midnight the majority of the males at least, were in admirable condition for bed.

A bed was prepared—rather remarkable for its longitude, as it extended the entire length of the porch, being formed simply by laying down a succession of blankets and counterpanes, with anything and everything stuck under the end for "heading"—and upon this the males threw themselves down, each man using his own blanket, which no Texan travels without, for cover.

The next morning all were astir betimes, and it certainly appeared to me that had the most of them entertained even a remote idea of the thirst they were to experience, they certainly would have taken a drop more before retiring. A wedding without anything of a frolic connected with it would have been deemed a species of sacrilege, and so, "faute de mieux," the wolf-hunt was declared the order of the day.

Directly in front of the house, at a distance of four miles, is an "island of timber," known as Lake Island. It is one mile in length, and through it runs or stands, as the case may be, a narrow, shallow, and muddy strip of water. Four miles again beyond this, is another and a smaller "island," called from its usual inhabitants "Wolf Island." I would here beg the reader to remark, that in speaking of "Islands," clusters of trees are meant to be implied—the same relative terms being applied to prairie and woodland as we use in speaking of land and water—a strip of prairie extending into the woods is known as a "Cove" or "Bay," while a projecting piece of wood is called a "Point"—a cluster of trees, an "Island," &c.

It appears that among the innumerable wolves that ravaged the prairie, one had acquired for herself a very unenviable notoriety, and had been long marked for destruction. Her size was great; in fact, she was represented as being a monster in her way. She had had the audacity to venture boldly into the cow-pens, and drive off all the dogs of the settlement except the old veteran, Bose, with whom she respectfully declined measuring her strength. Our plans were easily arranged, the caviarde of horses driven into the pen, and we were soon very busy catching and saddling—each man paying particular attention to the fastenings of his girth, in the anticipation of a hard race over a hog-wallow prairie. Among the more prominent actors were our friend "Joe," his younger brother "Dave," mounted upon a fine blooded animal, and the brother-in-law, "Sam," who, being almost as much of a Johnny Newcome as myself, and considering himself "some punkins" in hunting, must needs bring his rifle into the field, for which he was well laughed at. The rest relied for offence and defence upon their long cow whips—an implement consisting of a short eighteen inch handle, to which a very heavy lash from twelve to eighteen feet long is attached, and usually carried over the shoulder with the lash trailing upon the ground—the "caberos" or hair rope, and, in cases of emergency, their stirrups, which, weighing from three to five pounds, and easily unshipped, as a sailor would say, make very efficient instruments of destruction.

All were ready, and, with a shout, off we started at a rattling pace; but our ardor abating, after a burst of a mile, we cooled down to a steady trot. Bearing to the right of Lake Island is a "marais" almost impassable in the wet season, but at this time in good order for travelling, and as we dashed into its high grass up started as fine a drove of deer as ever gladdened a hunter's eye. The sight was not lost upon our friend Sam, who, driving his rowels into the sides of his young horse, dashed off in hot pursuit. "Look out, Sam!" cried Joe, "look out! that critter wont stand fire—she'll give you fits *directly*." The caution came too late; a shout of exultation from Sam had brought a fine buck to the right about, anxious, with all the curiosity of his kind, to know what in the world that unearthly noise might mean; and ere he was satisfied, Sam was within range; in an instant, without the least check of his horse's speed, the rifle was at his cheek, and off went the gun, Sam, and deer, "unanimous," as Mr. George Christy observes, "upon that last note." The buck evidently had the best of it. With his flag raised in triumph, he scoured over the prairie, throwing himself clear above the high grass at every jump. The rifle, the parent of all the mischief, lay reposing in quiet upon the ground, and Sam, well bruised, and almost stunned, flat upon his back, was holding on to one end of his "caberos," endeavoring to restrain his horse, who, fastened to the other, was prancing, snorting, and trying his best to escape his human anchor. A fall from a horse being too trivial a thing to occasion anything but a laugh at the expense of the fallen, without more ado we secured the animal, righted the man, and again bent our course to the Island. On arriving there I found it to be a cluster of trees covering about two acres, with a heavy thicket of underbrush—and an admirable place to shelter all kinds of "varmint.

The best mounted men were selected to guard the Island, and if the wolf or wolves should break through our formidable pack of dogs, to cut them off from taking shelter in Lake Island. Dave and myself were posted without upon one side; we had dismounted for a moment to tighten the girths, and I was just securing mine, when a shout from him brought me to saddle in an instant, and looking round I espied the identical wolf not more than one hundred yards ahead, making the best of her way across the prairie, and maintaining a running fight with "old Bose," while the rest of the pack of hounds and curs were scouring along after them as near as they might.

We gave chase immediately. It was just noon, on an intensely hot day in the first part of September; the ground we were riding over, of the description known as "hog-wallow," being a succession of small mounds and corresponding hollows—the wolf, gaunt and in fine running order. In short, the chances were against us; however, off we dashed, shouting like madmen, Dave right on the trail of the wolf, and I striving to head her off from Lake Island.

It was an animated scene—the wolf right ahead, running side by side with "old Bose," and gaining ground every moment; the space between us dotted with dogs of all colors and sizes, and scattered from us to the starting-ground, some twenty riders, every man of them making the best possible use of both lungs and spurs.

Whether it was owing to the heat of the day, the roughness of the ground, or the fact that the wolf was contending for life, and we only for her skin, I know not, but in a heat of four miles she certainly beat us fairly over a quarter.

Upon reaching Lake Island not only the old hound, but the smaller fry, abandoned all idea of the chase, and rushed indiscriminately into the water, whence they refused most doggedly to stir. They were completely done over and used up, and most of our horses in no better condition.

After beating the bush vainly for a while, we called a council of war, and determined to ride our reeking, panting steeds homeward, procure fresh ones, and other dogs, and return again, feeling very sure that "Sir Isengrim" would not dream of leaving his quarters for some time, unless cavalierly ousted; and that we should find him waiting us, stiffened with his morning's work, and in no condition to make the same "time" again.

On our homeward route Dave and myself, to whom the escape of the wolf was imputed, caught it finely from all quarters. "Look heah, Dave, whar's the 'Jack ov Dimins' you war gwine to hunt on, that could give a wolf fits *di*rectly?" "I say, stra*nn*ger, that's a powerful smart lookin' chunk ov a poney you've got atwixt yer legs thar, but poneys is mighty oncertain."

"Now, boys, jest cum out squr and say ef yer did run ater the varment, or if ye took a sorter skear and put out tother way."

"I tell what is, boys," said a fourth, "yer all barkin' up the wrong tree. *I* smell a bug. Dave and that ar strannger's ondly playin' possum, an want to get a quarter race out on us, but they can't pull the wool over this child's eyes; he's got 'em both skinned."

"Shut up," replied Dave, "and let the stranger and me alone. Thar warnt one ov ye in half a mile ov the tail ov our horses. I'll dar ye now to run a race over that same hog-wallow, and anti ten cows and calves on ither the stranger er me, and I'll bet a plug ov tobacker I hev a saddle cover off that varmint's back afore I camp down."

On nearing the plantation we perceived a number of dark objects perched upon the fence, which at first I mistook for buzzards, but they proved to be a general assortment of all the young negroes in the place, chattering like so many monkeys, their white eyes and teeth glistening in their setting of jet, who had assembled to get an early view of the "varmint" we had gone forth to do battle with.

As soon as we arrived at the house, one of the young darkies was dispatched to the river with an invitation for a man who was there living to come up and bring all his pups; two or three more were mounted, and sent into the prairie in search of the "caviarde" of horses—and we went in to dinner.

To use a very expressive Westernism, "*Dave's tail was up*," and every possible preparation was made to preclude a failure. The dogs that had returned were cared for, the very best cow horses (horses trained to cow hunting) selected, a complete and well digested plan of the campaign devised and explained. It was, however, thought that the difficulties of the chase had very much increased since morning. In the place of a small island that might be easily drawn, the wolf was now in a dense thicket a mile in length, with a stream of water in its midst, which the cunning old rascal might use to great advantage in washing his trail, and throwing the dogs off the scent.

Four o'clock found us all prepared for a start, and half an hour's sharp riding brought us to the hunting-ground. One person was now stationed at either end of the island, and one on either side, all of them at a sufficient distance from it to permit their glance to take in everything from one outpost to another.

We then commenced operations at the southern end, spreading ourselves entirely across the thicket, and forcing our way slowly and surely, keeping back the dogs; and at the same time three of the party riding even with our line upon the outside.

In this way we proceeded through the island, but no "sign" of wolf could we see. Our dogs started all sorts of strange game, but not the kind we were in search of. Dave was in despair. "The 'varmint's' gone home again," said he. "I rayther reckon not," replied Joe. "I rayther reckon not; *hit's* clar agin the cunnin' of the varmint to think so. He's pretty much used up to begin with, and then he knows we're arter him, and you don't catch him showin' his profile in the perara tell dark, and ef thar's a bright moon he'll keep shady tell nigh sun up, and then he'll make a break. I tell you what, gentle*men*, he's here, I'll bet a horse on that. The critter's ben in the lake, and jumped clar across the path into the bush, and thar he lies—we've been within a rod of him. Ef old Bose would get up and go to work we'd fetch him soon, but these dern no-account pups arn't worth shucks, and so we must do the tracking; so, boys, let's light, some on us, and take it afoot, whilst the rest keep along on their critters."

Joe's advice was taken; he started off on the lead, and, strange to say, within ten rods of the spot where the consultation had been held—stopped, and intimated by a very significant whistle that he saw "sign."

Old hunter as Joe was he for once allowed himself to be thrown off his guard—instead of passing quietly on, giving us "item" as he would have called it, and permitting us to surround the beast, and make a sure thing of it; at the sight of the "footprints in the sand," he first whistled, then peeping into the bush, and espying the much-sought-for "varmint," he allowed the exuberance of his joy to evaporate in a yell that would have aroused the dead. The wolf did not move, until Joe very imprudently seized a stick and poked it in her lair. Then with but one spring she dashed at her tormentor, who, slipping, fell backwards into the water; and without waiting even to crawl out, gave us a succession of shouts that would have done honor to a Commanche.

The wolf had evidently made up her mind that there was nothing left for her but a run for life, and, crossing the water, made for the open prairie—but her situation was far from agreeable. Seen by three of the outposts, she was immediately headed off, and, turning, she had to encounter the party stationed on the edge of the island; her speed was sensibly diminished, and her pursuers now felt sure of her. Keeping her right between them, they now forced her to a course parallel with the island, by which manœuvre not only would our whole party be gathered, but she would be driven into the main prairie, without any chance of finding shelter, except by taking the back track, and from that they could easily cut her off. As they passed the end of the island the whole party fell in, and we all obeyed Dave's direction to the very letter.

The chase headed down the prairie, running parallel with the wolf, and at a distance of a quarter of a mile on either side were three riders, while the rest, spread out widely, followed at about the same distance behind—the dogs semi-distant between us—thus forming three sides of a hollow square, with the wolf and dogs in the centre.

Riding at half speed, and watching every motion of the animal, we now commenced drawing in, four or five riders leaving the back, and joining the side line, until we felt that we had her safe, and then Dave prepared to fulfil his promise. Leaving the line, he took his "caberos" from the pommel of the saddle, passed it underneath his leg, then unfastening it, gathered it in a coil in his left hand, in which the bridle was also firmly grasped. In his right hand was the noose at the end of the rope.

Rising in his stirrups, with an encouraging shout to his horse, he dashed directly at the wolf, who, now maddened with fear, rage, and pain, made a rush first on one side and then on the other, in hopes of escape, but giving up in despair, resumed her straightforward course.

Dave approached behind, and driving the spurs into his horse's flanks, was soon parallel with her, and not more than twenty feet off.

Giving the noose three or four twirls around his head, he launched it with the certainty of a bullet at the head of the animal, and without one instant's pause wheeled his horse.

The rope ran out, and Sir Isengrim, jerked suddenly about from his headlong career, found himself heels in air, with a half-broken neck, dragged on his back at a rattling pace over the prairie.

At this very moment the yell of a dog was heard, and "old Bose," lame, tired, half-dead as he was, running on two, three, or four legs by turns, made his appearance, and dashing through the throng of his useless fellows, fastened upon the wolf's throat. Over and over they went together, Bose having all the fighting and biting to himself.

Dave checked his speed; found the poor wolf past praying for; and it was with difficulty that he could drive the dogs off, so as to redeem his promise, "that he would cover his saddle with that wolf's hide."

CHAPTER X.

MORE WATER THAN PLEASANT.

THE wolf hunt had been conducted with so much spirit that a good deal more was required to finish out the night. Hosts and guests crowded the long piazza of the bride's house, and the stories and the bottle went round, until many heads imitated their example.

The next morning the party was to break up, and Joe and I were to return to our thicket; but I regret to say that Joe—albeit on ordinary occasions a most staid and sedate personage—had for once gone to bed in too merry a mood to feel much like work when he arose, and so another day was passed by us among the *debris* of the wedding. We were not the only loiterers.

The third morning beheld us again in the thicket, and hard at work. The day was excessively warm, and the air very oppressive. Joe predicted thunder and heavy rain, and in the course of the afternoon dark clouds in the north, and distant thunder, gave warning that a storm was raging near the source of our little river. Joe shook his head, and wished that we might not get more water than pleasant, but consoled himself finally with the thought that we needed a foot more in the river for rafting purposes, and that the ground had become so dry that there was but little fear of a freshet.

We had just finished our coffee, and were lighting our pipes, when a few heavy drops, pattering upon the roof, announced the arrival of the tempest. So well secured were we in our snug nook, that, but little fearing the weather, we built our camp-fire inside our hut, and smoked our pipes in quietness, looking forth upon the rain that now fell in sheets, on the torrents of water that poured down the banks, and the river rapidly swelling and growing darker, rather as some scene got up for our entertainment than anything threatening us with misfortune or danger.

Throwing a fresh log upon the fire, we lay down at our usual time, hugging our blankets closer around us as the blast whistled shriller, and enjoying that kind of quiet comfort every one experiences when safely housed from the bitter storm that seems fairly howling with rage at being disappointed of a victim. About midnight I awoke, and hearing an unwonted rushing noise, arose and went out of the camp. I walked to the end of the platform of sand without difficulty, but my first step from that, upon the descending ground plunged me half leg deep in swiftly running water.

I withdrew immediately, having no desire of a cold bath in the dark, and hastening to the camp, awoke Joe, and rekindled the fire, so that it might throw a light across the river. The sight was an ugly one. The stream, usually about three feet deep, was now eighteen or twenty, and swept along, overwhelming everything that obstructed its progress. Logs of wood, trees torn up by the roots, and heaps of cane, swept by us with fearful rapidity, and the river whirled and foamed and eddied, as if it were lashing itself into a fury. There was no time to be lost if we would save our shingles, and so, building up a huge fire, we commenced carrying them higher up the bank. At least twenty feet above us was another platform, and all night we toiled, transporting there our shingles, our tools, and the component materials of our camp.

In the morning the weather changed, and the sun came out to look upon the mischief that had been done in his absence. We prepared a hasty and—candor compels me to add—rather poor breakfast, and then looked around upon the scene of desolation. The river swept over our camp-ground, and was gradually creeping up the bank, but Joe said that our "possibles" were now beyond its reach. We must, however, search for another camp, and at it we went, not in the best humors in the world.

Immediately above us was the outlet of a palmetto brake, which was sufficiently low to admit the now aspiring waters of the river, and therefore we must venture in the canoe if we would go up stream, or even if we would find the trail—such as it was—that led homeward.

It looked rather squally, but could not be helped; so embarking our provisions and tools in the canoe, we set forth upon a somewhat perilous voyage.

Keeping close to the bank, and obtaining what advantage we could by catching hold of the branches on shore, and when it depended upon paddles alone, wielding them with all our might, we finally, and after an hour's hard labor, reached the spot which Joe had designated for our new home.

I jumped on shore, tied up the boat, and then received our little freight from the hands of Joe, who stood up in the tottering craft, balancing himself and her with apparent unconcern, and no little pride at his skill. All was discharged save Joe and the provisions, and the former, catching up the bag which contained the latter, was just about stepping ashore, when the idea struck him that so great a feat as we had lately performed would be but imperfectly concluded unless duly celebrated by a right honest yell. So, turning round to stare the river right in the face, he commenced what was intended for the loudest shout on record, but alas! was nipped in the very bud by the operator, bag and all, tumbling overboard. Away swept the tide, away swept Joe, and away swept the bag. They had vanished from my sight—for we had turned a short corner just before landing—and in an instant after the catastrophe, nothing remained visible or audible except a sort of mixture of yell and water, that seemed to come from beneath the surface. I jumped into the canoe again and was carried down stream in a hurry, having the mortification to whirl right by Joe, who was very composedly hanging to an extending limb, not ten yards from the spot where he fell in, and inquired in a petulant manner what I "cut that dern fool caper for," and "where I expected to go to?" Luckily for me, I also caught a branch, and Joe, letting go all, except the provision bag, to which he clung with his teeth, was alongside immediately. In a few minutes we were back in harbor again, and I gave Joe a piece of my mind about "hallooing before he was out of the woods," to which he retorted in the same strain—and not intended as a complimentary one either—some remarks touching my skill in canoe navigation.

No harm had been done after all, except the wetting of our provisions, which, by the way, were very near a total loss. The meal was ruined, the salt dissolved, and flavoring the coffee, and nothing but a piece of junk beef remaining in anything of an eatable condition, so that, excepting the said beef, our dinner was a thing past praying for. Beef, Joe would have relinquished without a murmur ; the meal even, might have been ruined without exciting his ire ; but to do without coffee was monstrous, and not to be conceived of, and a return home for a new supply that very evening was proposed and carried *nem. con.*

Selecting a partially formed cave near the top of the bank, we soon improvised a temporary residence, and then we found, in a brake a few rods behind us, some admirable cypress. To work we went, felled a tree, cut it into proper lengths, and then, to try its adaptability for shingles, we must needs split up and shave a few. All of these occupations consumed so much time, that when we returned to our new home, the sun had abandoned our side of terra firma, and was upon a visit to foreign parts.

I strenuously objected to returning by night, but Joe would have it that the moon must soon make her appearance, and that even without her light he could find his way, and so, as usual, I yielded.

Disdaining all attempt at following the trail, which indeed would have been useless at night, Joe boldly struck what he called a bee-line for home, and in ten minutes we found ourselves knee-deep in water, floundering about in the abominable palmetto brake. Joe swore a little, and so completely worn out was I with the fatigue of the night and day, that laughing at him, was entirely out of the question upon my part. There was now but one course to be pursued. If we endeavored to escape from the brake, we should certainly and inevitably pass a night in the woods, and as we had very foolishly left behind us all means of making a fire, this would have been anything but pleasant. We could but follow out the brake to the prairie, or at least until such time as the moon rose, and trust to fortune for keeping us as straight as possible. Our plan was ingenious, but slow of execution. As often as once in four feet grew one of those high hummocks—caused by the roots of the palmetto—and of course on it the plant itself. Jumping from one to another of these hummocks was the only mode by which we could avoid wading, and to keep our course we hit upon the following expedient:—Joe, having satisfied himself by some mysterious kind of astronomy—for trees were not in the way where we then were—he turned his face in the right direction, and grasping a palmetto to retain his footing, remained firm and immovable until I had preceded him for some distance, hopping squirrel-like from bunch to bunch. When I had made a proper offing, I shouted, and was then ordered to the right or the left, accordingly as I varied from the proper course. When I was rightly placed, then Joe went ahead, while I remained still, and so proceeding, we made sure but slow progress.

In about an hour and a half the moon at last appeared, and we found ourselves very near the open pine woods, which we entered with joy, for our swamp journey had been none of the most delightful. To say nothing of the abominable "moccasins" that abounded there, there was no want of panthers or bear, in and around the swamp, and we stood a pretty good chance of stumbling upon some travelling alligator. We came off unscathed, to be sure, but that night I made a vow against any more voluntary swamp escapades, and determined that my first speculation in wood should be my last.

The next day it recommenced raining, and kept it up for a week, and when at last we started upon our return, Joe, after walking a mile, complained of illness, and back we went again. It was fortunate that we did go, for the next day he was delirious from a violent fever.

Everything in the shape of a man, excepting Sam Ming, Old Cæsar, and ourselves, had left the settlement, and engaged in a general "cow-hunt." Sam and Old Africa had been left as a necessary guard, but the former had taken it into his head to indulge in a fit of shakes, and the latter was incapacitated for severe horseback exercise, and so perforce I must make a trip down the prairie for the nearest doctor, who enjoyed a convenient little circle of practice, of which the radii were something over thirty miles.

We lived upon the very verge of the circle, and my ride through an open prairie, without path or trail, was not a joke for a neophyte like myself. I need not now tell how, after floundering on from one *marais* to another, jumping gullies when I could, and heading them when I could not, wading an extempore creek here, and swimming another there, I finally about sunset reached the doctor's settlement.

This prairie travelling is very like the coasting service. You set off with some lone tree, miles off in the mid prairie, for your guide, keeping a good offing from the timber, but steering in towards one point, and bearing away from another, for all the world as a pilot would take a vessel through Long Island Sound.

CHAPTER XI.

NEW ACQUAINTANCES—UNCLE BILLY AND HIS VERNACULAR.

A LARGE frame house, with a number of small barns and outhouses, very rude, and entirely innocent of paint indeed, but yet of more pretension than Texan buildings generally, loomed up quite largely on the prairie. and the doctor's settlement stood confessed before me. My wearied horse evidently knew it also, and without any hint from me, took the straightest possible course for the plantation. Riding up to the bars, I gave the usual "hallo," and out rushed the customary number of dogs to greet me, barking and yelping as if some wild animal had arrived.

At last the doctor himself came out. He was a very large, and particularly good-humored looking man, over six feet in height, and dressed oddly enough in broadcloth pantaloons, seated and "foxed" with buckskin, no vest, and a kind of pea jacket of white flannel. He wore a huge flap-eared Quaker hat, and, as I afterwards discovered, belonged to the persuasion of Friends. Rather a queer country for Quakers, it would appear, and rather a difficult one to retain the plain language and plain dress in; indeed the hat was the only outward sign left, excepting an occasional "*thee*" when the good lady of the house was addressed.

"Come, sir, light and—get out and be hanged to you (to the dogs)—come in, the boys will see to your horse; here, boys!" was the Doctor's salutation.

Dismounting, I placed my horse in the hands of two stalwart lads, and as I walked towards the house, I delivered my message.

"What! Joe sick? tough Joe? who'd have thought it?" said the Doctor. "Wants me to-night, eh? Well, I don't know any one that I'd ride up the prairie for in such travelling as quick as I would for Joe; and so I'll be off; but you must stay all night. I'd be glad of your company, but you're not used to such night work, and there are two gentlemen in the house who are going up to-morrow, and will ride with you. Come in."

"Thank you," I replied; "I must own to being pretty well tired, but still I fear I shall be needed at Joe's."

"Oh, no," answered the Doctor, "I'll see to Joe until you return; and besides these two gentlemen here want to have a talk with you."

"With me?" I demanded, in some astonishment.

"Yes, sir, if you are Mr. P., as I suppose you are. They are going up country to-morrow, and intended stopping at the Houghs on purpose to see you. They are pretty largely mixed up in land speculation, and want assistance—somebody that they can trust to examine titles, make out and copy papers, hunt up testimony, and I don't know what else. They'll pay well."

"But, Doctor, what do they know about me, how did they hear of me, and who are they?"

"Oh, they heard of you from somebody at Houston, and as to who they are; one of 'em's Col. Ting, a sharp go-ahead fellow, I tell you; was in nearly every scrimmage in '36,' an old soldier every inch of him; and the other's known all over Texas, and Alabama too, I believe, as Uncle Billy Roberts, a rich, jolly old planter, works a hundred negroes, is a partner of the Colonel's in some land operations, knows how to tell a funny story in the worst possible English—in fact, he delights in outlandish expressions—and is altogether one of the most kindly-hearted men I know of. But come, let's go into the house."

The principal room was tenanted by the two gentlemen aforesaid—the Colonel, a man over six feet in height, thin as a latch, dressed with some pretension, and looking as sharp and martinet-ish as possible; Uncle Billy, quite as tall as the other, but large and jovial, looming up in a full suit of home-made jeans, of a reddish brown color—and the Doctor's wife, and daughter.

After an off-hand introduction, we sat down to supper; and after supper, the Doctor took his departure, and the two strangers and I walked out in front of the house, took seats upon the fence, and commenced negotiations. During the whole conversation, the Colonel whittled away at a bit of stick in the most Yankeefied way possible, while Uncle Billy tugged away at his short-stemmed stone pipe. The agreement was soon made; they wanted me, and I was anxious to see as much of the country as I could, and to engage in some employment more congenial to my feelings and habits than shingle-making.

Seated at length around the huge fire-place, where a small fire had been kindled to banish the damps of evening, Uncle Billy remarked to me:—

"Well, stranger, seen rough times, I reckon; allers the case with new comers; never knew it fail. Thar's the Cun'nle, ask him; ask old Doctor Wheaton, but you can't, seein' he's half way up the prairie by this time; but thar's his old woman, she'll tell you."

To this very general speech, Col. Ting assumed the duty of replying, and his reply was very Down-East indeed.

"Pray, Uncle Billy," said he, "what first brought *you* to Texas?"

"Me! why the consarned 'fever an' ager' did it. I shan't forget my first trip, ner what happened soon arter neither, I tell *you*," replied Uncle Billy. "Why, Cun'nle, I staid with Old Charley Birkham. You knew him, I reckon?"

"I have heard of him," replied Ting, "and if you know anything about his death and that lynching affair, I should like to hear it."

"Well," said Uncle Billy, "I reckon I might as well tell the whole on 't; so here goes ——"

Before I give Uncle Billy's story, in its own unadulterated native vernacular, a few remarks on the singular idioms of the South West will not be *mal-apropos*—and as this is the age of plagiarism, I trust I shall commit no very heinous offence in stealing from *myself* the following extract from a somewhat lengthy paper on the subject, written some years since:—

The origin and perpetuity of many of our queer and out-of-the-way phrases, may be traced to the semi-annual meetings of gentlemen of the bar at the courts of our Southern and Western States.

These gentlemen, living as they do in the thinly inhabited portion of our land, and among a class of persons generally very far their inferiors in point of education, rarely enjoying anything that may deserve the name of intellectual society, are too apt to seek for amusement in listening to the droll stories and odd things always to be heard at the country store or bar-room. Every new expression and queer tale is treasured up, and new ones manufactured against the happy time when they shall meet their *brothers-in-law* at the approaching term of the district court.

If ever pure fun, broad humor, and "Laughter holding both his sides," reign supreme, it is during the evening of these sessions. Each one empties and distributes his well filled budget of wit and oddities, receiving ample payment in like coin, which he pouches, to again disseminate at his earliest opportunity.

Although I may lay down, as a general rule, that the same words and phrases prevail throughout the South and West, yet almost every State has its local peculiarities; Texas, for instance, the large admixture of Spanish words; Louisiana, of French; Georgia and Alabama borrow many from the Indians. North Carolina is notorious for a peculiar flatness of pronunciation in such words as *crap* for "crop," *carn* for "corn," *peert* for "pert," &c. "*I allow,*" meaning "I think," "I consider," is, I believe, of Alabama origin, and so is that funny expression, "*done gone,*" "*done done,*" implying "entirely gone," and "entirely done." In Virginia many of the lower class pronounce *th* as *d*—*dat* for "that," *dar* for "there," *dis* for "this."

These and other similar derelictions may be traced to the fact that all children are inclined to make companions of the negroes, to listen to their queer rambling tales, to accompany them upon their "coon hunts," &c., and thus acquire a negro style of pronunciation, and many negro words that nothing, save a good education, can eradicate, and even that does not always perfectly succeed.

There are two great and distinct classes in the United States, the Yankee and the Virginian; the former occupying the New England States, and thence spreading in almost every direction, claiming a great portion of the State of Ohio, and even a share of Indiana and Illinois, although in these two last-mentioned states the Southern peculiarities of speech are more common; the latter properly commencing at that imaginary division, "Mason and Dixon's line," and thence running south and west. The intermediate states are divided between the two. New York, Pennsylvania, and New Jersey have indeed been well inoculated with a solid basis of Dutch and Swedish in their infancy, yet, save here and there some stray neighborhood of ancient Hollanders or sturdy Swedes, whose manners, customs, and language our intrusive Yankees have been unable to corrupt, a few terms and phrases that have crept into general usage, alone give token that a foreign tongue once reigned over so large a section of our land.

The distinction between these two great classes (the Yankee and the Virginian) is so wide and so clearly drawn as to be visible and palpable to every casual observer. Should one, however, ever hesitate as to the place of nativity of one of our free and enlightened citizens, there exists a test, which, potent as the spear of Ithuriel, will dispel all clouds of doubt that may overshadow his mind. Let the person in question be requested to give an opinion upon any subject. Should he *guess*, write him down a Yankee; does he *reckon*, you may swear him a Southron. The Yankee *guesses*, the Southron *reckons*, which our New

England friend never does, except by and with the aid, assistance, and advice of that estimable arithmetician and pedagogue, Nathan Daboll, Esq. Per contra, however, the Yankee *calculates*, and pretty shrewdly also, while the Southron *allows*. The one *wouldn't wonder* if some expected event should take place, while the other, more ardent and careless of assertion, "*goes his death upon it*" that it will. To the latter, drawing his comparison from his idolized rifle, a thing is "*as sure as shooting*," while to the former, more pious or more hypocritical, it is "*as sartin as preachin'*." The one will be "*darned*," and the other "*derned*," both evading an oath in nearly the same manner, the only difference being the substitution of one vowel for another. Should this asseveration require additional force, the Northern man will be "*gaul darned*," and the Southron "*dod derned*"—a curious perversion of sacred names to ease the conscience, while giving vent to one's temper. In fact, it is almost impossible, among the many corruptions of language of which both are guilty, to cite an expression in which some slight but marked difference does not exist.

To the Northern man, every silicious mass is a *stone*, be it large enough to weigh a ton, while the Southern ignores the word *in toto*, and calls everything of that description a *rock*, though no larger than a midge's wing. The application of this word is extremely ludicrous to one whose ears are unaccustomed to it, and I remember laughing heartily at the idea of picking up a *rock* to throw at a *bird*. When man or boy, biped or quadruped, bird or beast is pelted, the unfortunate recipient of projectile favors is said to be *rocked*, unless indeed wood be put in requisition. and then he is *chunked*.

In Arkansas, however, the term *donoch* usurps the place of either rock or stone. That touching and popular Southern ballad, yclept "Rosin the bow," concludes in these pathetic words:—

> "Then fetch me a couple of *donochs*,
> Place one at my head and my *toe*,
> And do not forget to write on *it*,
> The name of old Rosin-the-bow."

No shadow of doubt can possibly remain in the mind of any unprejudiced person, but that the sovereign State of Arkansas may lay just and true claim to the honor of having given birth to the interesting individual in question.

The further south you travel, the more rude, wild, and energetic the language you will hear. Texas excels all others in additions and corruptions. The old Texan has no farm, it is a *ranche*. A rope he knows not; everything in that *line* is either a *larriat* or a *caberos*, the one being made of raw-hide twisted or plaited, and the latter spun by hand from the hair of horses or neat cattle. He never seeks or looks for anything, but always *hunts* it. He *hunts* bees, cattle, a missing pair of oxen (*he* calls them *beeves*), or a doctor. Nothing leaves a *mark* to him, he only sees *sign*, whether of bird or beast, friend or enemy. You hear of *turkey sign*, *bear sign*, *hog sign*, *cow sign*, *Indian sign*, etc., etc. When he wishes to leave, he does not say with the Yankee, "Well, we'd better be a goin'," but "*Let's vamos*," or "*Let's vamos the ranche*." He never asks about the situation of the grass on the prairie, but inquires about the summer or winter *range*. A fish spear is to him a *groin*; a boat, a *dugout*; a halter, a *bosaal*; a whip, a *quirt*; a house, no house, but a *log-pen*; a drove of horses is a *caviarde*, and when a universal fright among them occurs, it is a *stampede*. He does not kill his game, he *saves*, or *gets it*, or *makes it come*. Apropos of this, I will record an anecdote, for the authenticity of which I can vouch.

The noted Judge W., better known as "*Three-legged Willie*," once attended a barbacue for the purpose of addressing the assembled multitude, and soliciting their votes for Congress. His opponent had slain a man in a duel or street-fight, and was endeavoring to apologize and explain the circumstances connected with the act. Willie listened attentively with a sneer upon his countenance, and when he had finished, arose and remarked: "The gentleman need not have wasted so much breath in excusing himself for having *saved* a notorious rascal; all of you know that I have shot three, and two of them I *got*."

The monosyllable "there," or in the backwoodsman's language, *thar*, has its original meaning so singularly perverted and enlarged, and lays claim to so many and such peculiar significations, that it is worthy our especial notice.

A man who accepts an invitation to a frolic or a fight, a wedding or a funeral, probably answers, *I'm thar*. A person wishing to imply that he is perfectly at home in anything, says he is *thar*; a good hunter or fisher is also *thar*. A jockey once sold a draught-horse with this recommendation:—"He ain't no pertikeler beauty, stranger, to boast on, but when you get to the bottom of a hill with a heavy load, he's *thar*, I tell you." The poor man, however, found out that his new purchase, under such circumstances, certainly was *thar*, and *thar* he was likely to remain, as neither words nor blows could induce him to budge a foot.

An amusing story is told in the South, which illustrates very well one of the many uses of this word. The king of beasts, it is said, invited all his subjects to a ball, and all attended in compliance with the princely invitation, with the exception of the poor donkey, who remained outside, solacing himself with the music of the violins, that were merrily keeping time to the very fantastic toes of the jocund dancers. Several messengers in vain were sent to press his entrance, and finally his majesty himself condescended to seek the sage, and insist upon his returning with him. "Your majesty," replied Jack, "I'm not much of a hand at dancing, but if there's singing to be done, why I'm *thar*."

CHAPTER XII.

UNCLE BILLY'S STORY—HOW CHARLEY BIRKHAM WAS MURDERED.

"The first time, stranger, I ever see Old Charley Birkham wer a smart piece ago,—nigh on to a year or so arter I left up thar in Tennessee, whar I was raised, and came down and settled on the Warrior in Alabama.

"The fever-n-ager got fastened to me, and tho' I shuk mighty hard, it wouldn't be shuk off no way I could fix it. Thar hit (it) stuck, just like one of them dern Cammanches on a mestang, the worse hit jumps, the tighter he'll stick, s' if the biggest part of him wer glued to the saddle, or like he wer one of them rale half horse 'n half alligator fellers, that fit in the Trojan war, or somewheres else, that I used to read on when I went to school.

"Well, the doctors in them days warn't exactly up to *ki*-nine; they war sorter skeared at it, hit wer so awdacious powerful—they's mighty apt to feed a feller on it now 'til he kin hear all the drums in the Mexican army, and a few of Uncle Sam's thrown in—but they warn't up to it then; so they jest fed me on lodlum and epecack, washed down with myrtle tea—t'warn't no sorter use; then they tried aguer-forty—ef it had been aguer hundred t'wouldn't hev half done; then they give me some stuff that tasted like iron hoops stewd down, but t'wouldn't make a center shot nither.

"I stood it all quite docious, tell the doctor talked of trying arsenic, and then I kicked. Next day he brought me a little bottle, and told me to take ten drops every morning in a whiskey toddy with the *chill off*, and then I spoke up, and says :—

"'Jest look here, old Pill Box, you've trotted your hull drug store through me. I've swallowed all the physic you've got, without shyin, tell I'm a walking potercarry's shop, but now, that you've come to the pisons, I'll bolt and go to doctern on my own hook. I've had as much med'sen as you could tote on a wheelbarrow. I'm goin' to try horse and saddle in the mornin' with the *chill on*—t'aint no use a talkin'. I've got some kin settled over onto Old Red, and I'm goin' to scare 'em up, and see how they like, and try and ride off this consarned ager.'

"Well, stranger, when he see I wer sot on it, he give in, and said it wer the best thing I could do.

"I'm mighty easy on the trigger, and the next mornin' I wer done gone. I kissed the old woman, spanked the children, threatened the niggers, promised the overseer a new covering and a jug of 'red eye' if all went straight, got all my fixins together, and off I sot. I rode an all fired smart chunk of a pony—real Creole, cane raised—walk six miles an hour, and run like a scared deer in a perara afire. I win a quarter-race with him, four bales anti, just afore I took sick—beating a mare that wer allowed to be the fastest critter agoin'.

"Well, as I war sayin', off I sot; went through Massassippi, crossed the 'Big Drink,' came to now and then, when the chill come it too strong, rode around, visited my kin, but couldn't get shut of the ager. So I allowed I'd try the piney woods a spell, and go over to *Tayhas*—as they used to call it—and take a sort of land-hunt.

"I went up country a bit, struck 'Trammel's Trace'—

nothing but a blazed road then—and kept on till I got to Old Charley Birkem's. If you've never heard tell of Old Charley, you ought to. He lived on the frontier among the Ingens, and cattle-raisers, and renegades, and desperadoes, many years, but none of 'em ever thought of harming him. Everybody loved him as well as if he wer thar own father; even the Ingens listened to him, and many a stolen critter has he coaxed 'em to give up. If any of the neighborhood had a difficulty, they never thought of goin' to the Alcalde, but jest left it out to Old Charley, and he did the right thing. Uncle Sam paid him something for being a sorter agent and keepin' the Red-skins in order, and people that come a land-huntin' always hired him to help 'em; he had a nigger or two of his own, and so got a comfortable livin'. His cabin and his crib were open to anybody and anybody's critter that come along—come when you pleased, go when you pleased, no questions asked, and all free gratis for nothin'.

"I stayed with him nigh onto a month; his old woman doctored me, and give me 'number six'—lucky it warn't one number higher, or 'twould hev fixed my flint—cured me and the ager at the same time. Well, I had a nice time a-huntin' and a-fishin', and when I got ready to start, the old man had his critter—a great roan mule—got up, and he rid with me the first day's journey.

"When we parted, I wanted to pay him, but he wouldn't take nothing but an X to buy some wimmin's fixins for the old lady, as a compliment from me. I've often thought that day's ride warn't so much to keep me company, as to see me through a settlement nigh the line, whar he thought they might like me so well they'd never let me leave.

"In them days men would sometimes come into towns tellin' of their being robbed on the mail-road, but no man plundered in a frontier settlement ever told the tale.

"Well, stranger, we took a parting grip, and I never see the old man agin. The next time I heard of him, he'd been murdered. Yes, Charley Birkem, the best man the Almighty ever planted on this sile, had been awfully murdered. Stranger, I can't bear to think of it now, but when I heard it the first time—and it wer jest arter I'd got religion—I couldn't help it—I swore nigh onto half an hour, right straight on eend. I can hardly keep my tongue docious now to talk about it.

"It's a curus story, and I'll tell you all of it I can think on, but some things perhaps I may disremember.

"It seems that there wer a goin' to be a 'raisin'' or a 'log-rollin'' a good piece off that the old man wer a goin' to. He reckoned he had better put out in the evenin' before, and camp somewhar on the road, or get to stay at some of the neighbors' cabins, and allowed to take an airly start in the mornin'. He got all his fixins ready for camping—his little wallet, and tin cup, and larriat to stake out his mule; put a couple of log chains in his saddle-bags, thinkin' they might be wanting; got up his mule, and took the shute, sun two hours high.

"Two days after, a raft of people came along, and stopped at Old Charley's, and when the old woman asked after him, they told her that he hadn't been at the frolic. She wer awful skeart, and they felt right curus too. There wer one fellow among 'em—his name wer Joe White; he wer one of the breed you never meet with in the white settlements; they'd be vagabones there, but the buckwoodsmen can't get along without 'em. I must try and pictur him out to you. Joe wer six foot and up'ards, big boned, and lean; sot a horse like a Cammanche; good-natured, and open-handed, when he had anything, and when he hadn't, happier yet; always kept two or three good critters, sometimes a dozen, picked up a pocketful of rocks when cattle-huntin' wer in season, and when he'd nothing else to do, lazed about anybody's log-pen that he pleased; slept on his own blanket; found the folks in deer meat and turkey; could turn his hand to anything but work; spent sometimes weeks in the woods alone or with the Indians, and wer allers ready to give away anything he had, or do anything for any man, 'cept work, which he said wer made for niggers. Howsever, he didn't reckon helpin' pile up log-cabins, or cuttin' down bee-trees, work. He always allowed they were scientific.

"Well, Joe wer the first one that answered; he told the old lady it were all right; that Charley had stopped to pilot some one or other, or maybe his mule had broke the larriat, or pulled up the stake, and he wer a huntin' him; but, says he, 'I'll be sartin to hunt him up; I don't car whar he is, I'm bound to light on him.'

"They comforted the poor old madam as well as they could, got all the items about Charley's leavin', and promised to start right out and hunt his trail. They left his cabin, startin' off on the back track, and maybe covered half a mile or so without anybody's sayin' anything—they wer all too busy a thinkin'. At last says Joe, 'I reckon, boys, we'd best light and talk this over.'

"Now Joe had a heap of the Indian in him; two things he wer mighty cautious about wastin'—words and ammunition. In any sort of expedition, his word wer law, although he wer by a long shot the poorest man in the settlement that passed for an honest one.

"I tell you, stranger, in the white settlements men pass for what they look to be, but in the backwoods for what they are; you'll find plenty of bogus money here sometimes, but bogus men can't shine. We're mighty apt to weigh 'em. They hev to stand worse things than Kimikles, and the gilt wears off powerful soon.

"Well, when Joe said the word, down they drapped, and took a seat on the convenientest log they could find, waitin' for Joe to open, but when they heard what he'd to tell 'em, they all riz, and thar bristles ris too; but they jest shut thar teeth clus, and said nothin'.

"'Boys,' says Joe, 'you all know me. I don't talk often, ner say much; but now I've a smart chance to say, and I want you all to keep still till I've got clear through—don't yell nor curss—ondly to yourselves. Boys, Charley Birkham's murdered—yes, murdered, that's the word; thar warn't no fight about it; the old man never had a quarrel in his life. You'll wonder, maybe, that I didn't tell you afore I got to the house; I didn't know it myself, but when the old woman first asked arter him, I knew it; and what's more, I knew who did it, and can go straight to the spot whar his life wer took. You know, boys, I rode a smart piece ahead of ye. I allers do; I like to read the road. I can't tell much 'bout what's writ on books; I ain't much of a schollard; but I kin read what's writ on the airth pretty plain. Thar hain't been much travellin' along this bridle-path sense we went on, but thar have been some. Thar's been devils, or critters worse than devils, along here. You see, the first thing I noticed wer the old man's mule track turned out into that blazed road to Boggy. The old man hadn't rid him nither. The fellow that had, didn't weigh more nor a hundred and fifty at the outside.

"'Well, I thought it wer mighty curus who could be on the critter, and so I lit and looked at the road clus. I seen a heap! The mule had gone on, but two horses that come up the road and turned into the "blaze," went up a little piece to a big water-hole, and follered it into the timber, then rounded agin into the old road, and the men on 'em had tried to make their critters step as nigh as they could into their old tracks. The fools reckoned they'd blinded the trail, but it didn't take me as long to find it all out, as it have to tell the story.

"'One of the critters was old Jake Williams's, and the other belonged to that no 'count whelp and picayune gambler, Bill Stone. I've been a lookin' out for them chaps to get into mischief for a long time, and took a sharp sight at their critters' feet every time I got a good chance.

"'Jake's has had the shoe off the nigh fore foot for three weeks; t'other's shod forard, both hind hoofs badly cracked, and interferes. I could swar to them tracks anywhar. Williams wer ridin' on on 'em; t'other hadn't got his master on his back, but a boy, or some light weight. Well, a piece further on I found out whar they'd come out of the timber; it wer a waterhole again. I'd been expectin' another dodge, and so looked sharp wheniver I see one. They'd come right out at this hole, and what's more, they'd gone in thar too. I went in about ten rod, and found whar the mule had been tied out. She must heve been thar seven or eight hours, by the grass she eat; a pony had been hitched thar too, and after the mule had been catched up—for his rope let him into the ring whar the mule had stamped about, and the pony's hoof marks wer over the marks of t'other.

"'The pony had stayed perhaps an hour; the other critters had been hitched to limbs, and I pulled 'em down to see how tall the men war. One of 'em wer just my height, and t'other about three inches shorter. They all three must hev come into the timber together—the lightest one on the pony—that wer old Jake's boy Dick, for Bill Stone's horse had a heavier rider when he went in than when he come out. Bill rode him in, and tuk the mule, and Dick rode Bill's horse out, and left the pony; then come back again and tuk up the pony, and Bill's critter follered him home.

"'The mule had gone in long afore they had; it rained night afore last a little, and I see whar some drops had fell on her track, but thar warn't none on ither of the other critters'. If you go and ask Jake about Bill Stone's horse, he'll tell you Bill stayed thar, night afore last, and a led critter he had, got away from him, and he and Dick went out and helped him catch it, and that they brought his own horse back to keep till he come back again. If he don't tell you this, jest say Joe White's a liar. You see they've been a leetle too smart; thar warn't no use of makin' all that trail; thar warn't no use of tyin' out the pony; they might hev turned him loose. I see, too, whar they'd changed saddles. It takes a smart strain to pull up one of these Spanish girts tight, and it throws a man hard on his heels. I saw the marks of Bill's and the boy's. I looked around and saw whar all three had sot on a log; I measured the length of the feet, and I found, too, whar that fool of a boy had cut a big gad. I cut off a piece from the butt he left, and it's got the mark of the knife on it; thar's two big gaps in the blade. We'll get that knife afore long, and see if it don't make marks alike. Well, I was shure some mischief had been done, and reckoned Old Charley's mule had been stole, so I come out at the water-hole whar they'd gone in and come out, and rode along watchin' the road mighty sharp. When you come up with me, I wer lookin' whar the mule had come out of the timber on the other side; he carried a heavy load then; Old Jake and Dick must both have been on him. Well, I rode on a piece further, and thar had been a camp-fire lately; it wer a smokin' yet, and right agin it, wer the trail whar Charley had rid his mule in. I wer skeared then; but as two nights had passed, and we'd had a sprinklin' of rain, I warn't sartin, but I am now.

"'Well, men, you've heerd my story. Shall I go on and tell you how I think we'd best go to work, or prehaps some of the rest would like to have thar say?'

"All the company, however, said no, and so Joe went on:—

"'First,' says he, 'I must tell you how it all happened. The old woman said Charley didn't take his fire-works. Now, you see, he stopped at Jake Williams's and got a chunk of fire, and then camped down about half a mile further on. Old Jake and Dick went down to the camp in the night, and killed him—knocked him in the head, I reckon. They must have heard the log-chains chink in the saddle-bags when he stopped thar, and thought Charley had a smart chance of money with him. They wer disappointed, and got into this awful scrape for nothing.

"'I reckon they left the poor old man's body thar, and took the mule off up the road a piece, and then into the timber, and tied him out. Then they must have gone home and found Bill Stone thar. Some time afore mornin' they all three started out on horseback, and rode to whar the mule wer hitched, then went on foot and hid the old man's body, then back to thar horses agin, and went out, jest as I've told you, to the blazed road, and then parted. Jake will tell us that his son turned back, and he went onto the road, and into the timber whar they found Bill's critter, and Bill kept on arter he'd changed his saddle, and that he led the other horse back.

"'Now I'll tell you what we must do. The first thing is to hunt up that varmint Bill Stone. That's my job. The rest of you ride on to Jake's, hear what he's got to say, and make sarch for Old Charley, but shut pan on everything I've said. Act jest as if you knowed nothing till you've hearn from me. Keep your eyes skinned and your rifles clean, and the minute you get item that I'm back, catch up your horses, meet me at the cross-roads, and bring all the good men in the settlement with you. If we don't come out in force and do things open and above board, we'll hev a tall fight with the gang; but if we show 'em we're too strong for 'em to meddle with, and not afeard to do our duty in the face of God and man, we'll cow 'em like whipped hounds.'"

CHAPTER XIII.

UNCLE BILLY'S STORY CONCLUDED—THE FATE OF THE MURDERERS.

"WELL, gentle*men*, after Joe had said his say, they had some talk among themselves. Some on 'em allowed things warn't so bad, and some reckoned they'd best lynch Old Williams on the turn, but at last all agreed to take Joe's advice. Joe shuk hands all round, warned 'em to keep shady, mounted his critter, and rode off. After he'd gone, the rest of the company went down to Old Williams's, and heard pretty much such a story as Joe said they would. Williams said the old man had stopped and got a chunk of fire, wouldn't stay, and said he wer agoin' to camp out a piece up the road. They got Williams to go with 'em and hunt, but didn't find anything, only one of 'em traded knives with the boy, and when they examined the blade, after they rode off, they see the marks on it wer just like them on the stick that Joe cut.

"What trail Joe took, I don't rightly know, but reckon none in pertikeler, for he knew the woods like a book, and had a pretty good idee whar Bill Stone would fotch up. Joe had a rifle and blanket for himself, and a stout caberos for his horse, and so didn't show himself much, nor bother anybody about feedin' ither him er his critter. It's shure though, that he struck Bill's trail, and follered it like an Ingun. When Joe got nigh to Nachitosh, he hunted up one or two men of his own sort, that wer down sellin' thar skins, told 'em what business he wer on, and they agreed to back him up. After thar plans wer fixed, Joe rode into town, and a funny lookin' critter he wer; an Ingun wouldn't hev knowed him, nor his critter nither. He'd stained her up with poke berries and red clay, clipped her long tail, hogged her mane, and as for him, a hump had sprouted rite suddint on his shoulders; he sot in his saddle drawed up like a Cammanche, his face so dirty you couldn't tell what the color ought to be, and he wer a reelin' as if he wer drunk as a lord. He knew Bill warn't more than three hours ahead of him when he stopped at the hunters' camp; and he knew, too, that the varmint couldn't pass a grocery without callin'; and so, when he saw the old roan mule hitched afore the Brian-Boru House, he warn't surprised a bit, but made a bee line for the store of a merchant in the place. The clerks didn't know him, and sot in to makin' fun, till old Mr. R. come in. Joe soon let him know who he wer and what he wer after. Mr. R. wer Old Charley's merchant, and the best man Joe could have asked help from. They settled things between 'em, and Joe went over to the tavern, and thar shure enough sot Bill Stone, down at poker, and little more'n half whiskey'd. It didn't take Joe long to scrape acquaintance with the nice set, and while they wer drinkin' with him, in walks Mr. R.

"'Hallo, gentle*men*,' says he, 'can you tell me who owns that great roan mule hitched out here?'

"'I reckon,' says Bill Stone, 'you'll hev to take me for owner if you can't find any better.'

"'Will you sell him, if you can get your price?' asked Mr. R.

"'I ha'n't thought of sellin' him,' said Bill; 'Least-ways, I hadn't, till you asked me the question. What'll you give, stranger, for the mule, bridle, saddle, riggin', and all ?'

"'Why,' answered Mr. R., 'seein' he's a likely critter, and the riggin's sort of so so, I wouldn't mind givin' a fifty for him.'

"''Twont half do,' says Bill. 'Say a hundred, and take him.'

"'Well,' answered Mr. R., 'I don't mind a few dollars when a critter suits my fancy, but it's a big pile to give for a saddle mule. You look out for the beast till dark; I've got no place to put him, and don't want to be bothered with him till I get ready to go home, then bring him over to the store, and I'll give you the hundred.'

"Bill agreed, and sot down to his cards agin. Joe sot nigh him, pretending to be mighty interested with the game, and takin' Bill's part whenever any dispute wer riz; the mule all the time being watched sharp by Joe's friends, who wer hangin' round outside.

"The game wer pretty tight, and they stayed nigh onto an hour later than the time sot, but Bill finally settled up at the bar, and started off for Mr. R.'s store, Joe takin' himself off as soon as he see him on the right track, and his friends on the lookout.

"Bill hitched his mule and went in. Mr. R. called him into a back room, and began counting out the money, and while Bill wer watchin' the dollars the merchant wer a pilin' up, in walked Joe, his hump-back gone, his face clean, and he as sober as a judge—ought to be. Bill knew him, and if the old sarpint himself had popped his head through the puncheon floor and claimed him for his brand and crap, he couldn't hev been more skeared. He made a dash for the back door, and rushed right into the hands of Joe's two men, who had been put thar to stop the gap. When he saw he wer trapped, he come in quiet enough, and wanted to know what he wer picked up for. Joe looked him right in the face and said :—

"'Bill, Old Charley Birkham sent me arter you and the mule.'

"Bill turned powerful white about the gills, and wer just fixin' to give tongue, and try and skeer up some of his friends, but they tied his hands and gagged him afore you could crack a rifle. They mounted him on the mule, tied his feet to the stirrups, fastened them to each other by a strap under the critter's belly, put a running noose round his neck, tied the other end of the rope to the ring behind the saddle, fastened his hands to the pommel, and started off, leading the mule by a back way to the hunters' camp. Then Bill's mouth were unstrapped, and Joe said to him,—

"'Now look heah, Bill, you've got to tell these men the hull truth—*I* know it already—and if you bolt an inch from the straight track, "Sweetlips"' (slapping his dead sure rifle), 'will make it the last words you iver speak. You've got five minutes to think about it, and if you don't open in that time, or if you begin to palava about innocence and marcy, the first word brings a ball through your head.'

"'I tell ye, gentle*men*, Bill thought a good deal, and thought pretty fast. He knew Joe White, and he knew that nothing would scar him off a track when he'd once barked on it; he didn't dar to lie, for he nither knew how much Joe had learned, ner how he found it out, and he didn't dar to hold his tongue. He thought thar might be some chance of his given Joe the slip on the road, or of some of the gang's rescuing him. So he up and told the truth.

"It seems that he and Williams had laid a plan to rob and murder the old man, if they couldn't get the money they thought he had without it; but Bill wer not at Williams's cabin when Old Charley stopped thar. The boy had lifted the saddle-bags, and as soon as the old man left, told his father and mother they wer full of money. After holding a short council, they agreed to do the job that night. They waited some time for Stone, but he didn't come; the man and boy set out, found Charley asleep, and Williams killed him with a club. After the deed wer done, they found that the devil had fooled 'em, and thar wer no money in the saddle-bags. They mounted the mule and hid him whar Joe had seen his sign; then returned to the cabin, and all three started to hide the body. Thar wer a branch (*brook*) nigh the camp, and putting the body on a kind of litter, they carried it off, walking in the stream so as to wash their trail. They found whar a large oak had blowed over, and in the hole the roots had turned up, they dug the grave, placed the body in it, and after covering it up, put the litter and some light stuff over it, and set it on fire, thinkin' that, as the timber had been lately burnt over, the grave wer entirely cached, and then they returned by the branch.

"It all turned out jest as Joe had said, and he could hardly keep his fingers from pulling trigger, but he only put the gag in Bill's mouth agin, and got ready for a start.

"The hunters had several led horses. So leavin' one man to finish the tradin', and takin' a spar critter apiece, Joe and his two friends sot out, with Bill on the mule, They travelled all night by the road, and when day broke, took to the bush, camped down a smart piece of the trail, stayed till noon, cotched up thar fresh critters, took a bee line through the timber, and when night come, pushed for the trail again. Twice, one of 'em wer sent to some out-of-the-way cabin to buy corn for the horses, tellin' the people it were for a party of movers, who wer travellin' the road. Shoving along this way, they reached the cross-roads about sundown, a little inside of four days. All this time Bill wer never one minute unwatched, awake nor asleep; he warn't let to speak, though he wer fed and not abused, and he had pretty much made up his mind he wer a gone coon. Joe's two friends rode off to give item of his being back, and afore midnight, the men come in pretty thick, but mostly one by one, and mighty quiet.

"When Joe had force enough to be right sure of everything, he made a break for Williams's cabin, leavin' orders at the cross-roads for all that might come, to ride on and jine him.

"'When they come to Williams's clearin', a part closed round the clearin', so's to stop ivery hole, while Joe and two others went up to the cabin—Joe holdin' Bill by the throat, and a pistol at his head, and orders wer given to shoot him down if he made the first move towards gettin' off. They knocked pretty loud at the door, and heard Williams stampin' round—the dog had woke him up. Presently he sings out—

"'Who's thar?'

"'Hit's me,' says Bill.

"'Is that you, Bill Stone?' asked old Jake.

" 'Yes, it's me. Open the door, quick,' answered Bill.

" Williams opened the shutter (*door*), all the time cussin' Bill for 'a dern no 'count fool.' The minit thar wer a chance, in jumped the two men and fastened on the rascal. He sung out loud for the boy and old woman to shoot 'em down, but afore ither could do anything, the others rushed in and had them fast too. When the old man saw Bill Stone, he knew it wer all up with him if he didn't get help from his gang; the boy wer stuffy, and didn't whimper. Nither made any fuss, but the old woman let on powerful, till the old man said a word to her, and then she shut up too.

" Joe now picked out a dozen men that could be depended on, more to keep the crowd from lynchin' the villains than anything else.

" By sun up, nigh onto seventy men had got together, and about all of the right kind. They chose a smart chap, Col. Spicer, an old settler, to be judge, and he picked out twelve men for a jury.

" Well, gentle*men*, they didn't make any such long jobs in them days in the backwoods, as they did in the white settlement; they'd no place to put thar prisoners, and as soon as the jury wer ready, the Judge said he'd go to trial.

" A party had been sent out, and found the old man's body; the log-chains wer lugged out of the fodder stack, whar Bill Stone had told them they wer hid; the jury all agreed they were guilty, and the Judge sentenced the men and the boy to be hung in an hour. The old woman wer to be sent out of the range; the improvements to be valued, and she to be paid for 'em; but if she ventured back, she wer to be served like the rest. The old man and boy stuck to it they wer innocent, and the old woman prayed, howled, and cursed, pretty much all to onst.

"As soon as the Judge had got through, the men and boy wer took to the spot whar the murder had been done.

"While all this wer going on, the gang of which Old Williams wer a sort of chief, hadn't been idle. Bill wer missed the night he wer took away, but it wer done so shady, that not a clerk in R.'s store knew anything about it. Next mornin' Mr. R. come down to the store quite late, and when he wer questioned about Bill, told 'em he'd been took by a company that wer after him, and wer on his way back to Texas, to be tried for murder.

"This made a fuss in camp, I reckon, and a party put out after Joe. They tried to slow track him at first, and wasted nigh onto a day, and then did what they ought to hev done at first—made a bee-line for Birkham's settlement. They pushed ahead night and day, and got into the diggins about six hours after Joe. By this time the whole country were up, and the Nackitosh party got together a company of about twenty of prehaps the biggest rascals in the whole South.

"They allowed they had force enough to do pretty much as they pleased, but when they come to the ground, found out they wer a barkin' up the wrong tree. They had with them a long-legged chap, a sorter jack-leg lawyer, and he advised 'em to try and get the punishment put off by peaceable means, and that would give a chance to run 'em off.

"When they rode up and mixed with the crowd, the lawyer and one or two more of 'em made tracks for the prisoners, but they had a dozen rifles cocked and drawed on 'em, and got thar orders about keepin' off. Then the lawyer begun to talk pretty loud about the outrage to free citizens, and all that, and said he demanded to be heerd. Col. Spicer now see it had gone far enough, and turnin' round to the new comers, said in his determined way:—

"'Men, you come in raythor too late in this business to hev much to say, and I reckon if some of you had stayed away all-together, you wouldn't hev been missed. If any of you don't know what this gathering means, I'll tell you. Those two men and that boy hev had a far trial, and hev been found guilty of the murder of our old friend, Charley Birkham. This isn't the first time they've deserved death, we all know, but this time they're bound to get what they've arned. The old woman is as bad as ither, but she's a woman; law would hang her, but we'll let her run, only she must keep clar of these diggins. Now, Squire, you've got some men in your crowd that don't suit us much; the less they hev to say, the better, or they may come in for a share, and I advise you all to keep a sharp look-out for the future.

"'These men hev just half an hour to live, and if you, Squire, want to make a speech, go ahead, and see that you don't overrun your time, and mind that none of you meddle with our doins.'

"Well, stranger, the lawyer got up and lumbered away at a powerful rate, while they put the prisoners on horses, slipped the nooses round their necks, and made the other end of the ropes fast to the limbs overhead. When the half hour wer up, at a signal from the Colonel, his whole crowd drew round the tree, ivery man with his rifle cocked and his trigger sot. Spicer raised his hand to stop the speech, but the lawyer wouldn't shut pan, till a look brought Joe White's rifle to his cheek; he drew a bead mighty peert, and the lawyer quit his lumbering and moved off.

"The man who held Bill Stone's critter let go the bridle, and Bill wer told ef he had anything to say, he must out with it quick.

"Bill owned up, and prayed to be forgive, and soon as he wer done, some one hit the horse a smart blow, and Bill wer a swingin' in the air.

"The old man's turn come next, and he died cussing the hull of 'em. The boy wer stuffy enough till the old man swung off, and then he give in, and told the truth. Spicer said a good deal to him about the awful crime he'd had a hand in, and then told him they had made up their minds to save him, in hopes that what he had seen and felt might prove a warnin'.

"The bodies of the murderers were buried on the spot whar they died. The old woman and boy wer moved next day outen the range, and I reckon went clar to Alabama. Old Charley's wife wer took good car on while she lived, which wasn't long; and this, gentle*men*, is the end of my story.

"Now, Cunnle, let's hev some of your first experence."

CHAPTER XIV.

THE COLONEL'S STORY—A SHIPWRECK—AND A SCRIMMAGE.

"My first experience of the country, as you say, Mr. Roberts, was of the rudest. I came here to survey and locate lands—some of the very ones, by the way, in which you became afterwards jointly interested, and which are now giving us so much trouble. I brought a surveying party with me, and a nice time we had of it. We chartered a small schooner, and set sail to find Galveston Bay, if possible. No easy job, for then the city had not been invented, and the flat island of sand that lies across the mouth of the Bay, with here and there a stunted tree, presented no very serviceable landmark to the mariner.

"We boxed about for a week or ten days, and then in a fog ran plump into the mouth of the Brazos. It was a mere matter of luck and chance that we did not go to the dogs. The fog happening to lift for a moment, we saw where we were, but how we got there, or how we were to get away, not one of us could tell. I said we saw where we were, but do not mean that we recognised the spot, by any means. We only knew that we had run up the mouth of a river without knocking our bottom out, but *what* river was the question. The captain being a true republican, and having moreover entirely lost his latitude, called a meeting, inducted himself in the chair, and put our position to vote. *He*, was of the opinion that it was the Sabine; *I*, rather favored the idea that we had made the Brazos. As neither of us had any notion of the appearance of either river, our opinions were certainly unprejudiced. The mass, or more properly, *mast* meeting —for the chairman supported himself against one of those important sticks of timber—were somewhat divided in opinion, especially as we had only obtained a single glimpse of one shore, and then dropped anchor immediately, for fear that we might soon get an altogether *too well grounded* idea of our whereabouts. One suggested that we were probably somewhere; another, that he rather thought we were nowhere at all; but at last the captain, having the firm support of two sailors, the cook, and the cabin boy, and moreover the idea that being a seaman, he ought to know, although he owned that he did not, carried the day.

"Having christened the stream the Sabine, our next step was to get away from it as soon as possible, and accordingly, the first moment the fog permitted us to see ten yards ahead, we up anchor and clawed out as gingerly as possible. Getting in, was a feat to be remembered, but getting out without being set upon shore, or run on a bar by the current, was but little short of a miracle.

"About every third vessel that attempted the entrance, even under the most favorable auspices, was lost; for without a sign of a bay, or anything of a mouth to speak of, the Brazos runs plump into the Gulf, over a very ugly bar, and between the worst kind of breakers. As soon as we were fairly clear, the captain 'about ship,' and shaped a southerly course, probably in the direction of Vera Cruz.

"Away we went, feeling our way, and trying to find a hole somewhere in the coast, until bread and water ran short—I say the *bread* and water *ran*, for the bread was quite capable of going alone. Then we called another meeting, and this time *I* was declared, *nem. con.*, to have been in the right. Our private stores, laid up for the surveying expedition, were walked into, and bacon and brandy suffered some. It was now about ship again, and after near a week we hailed a craft that informed us that we were right off Ship Island shoals, about halfway between Galveston Island and the Balize. My temper rather gave out. *I* called the captain a Judy, and talked of deposing him. *He* accused *me* of being a Jonah, and threw out some idea of throwing *me* overboard. Now, as acting the part of Jonah in full, and without any cutting, implies something to be done in whaling, I turned to and gave him a good one; my men and the crew joining in the amusement. It did a great deal of good, so much so, that the very next night he not only found Galveston Island, but nearly ran over it. The wind being light, and off shore, we were fortunate enough to save ourselves and our bacon, together with most of our provisions and instruments. The vessel was past praying for, and as she was sure to go to the dogs, the captain proposed to go with me to the Indians. I have no idea of giving you my whole Texan history in detail, but will only say of the surveying, that it was rather difficult, as usually neither corner, nor anything like a boundary-line could be found. The Mexican mode of measuring land was, perhaps, original and very ingenious, but far from satisfactory to the man who wanted to ascertain the extent of his possessions.

"An Indian was usually placed upon a horse, and furnished—the Indian, not the horse—with three cigars.

He set off upon a gallop, and as much land as he could ride around while his cigars were being smoked up, was called a league. I suppose they gave them a certain length of 'old soldier' to define the exact quantity of a 'labore' (eighty acres).

"You will perceive that the size of the league depended entirely upon the horse's legs and the length of the cigars. I can assure you that it was a nice piece of work to smoke out these boundaries.

"As we were upon the buffalo ground, we had no want of either fun or fresh meat. We had purchased good horses, and hired two good guides—old hunters, that knew exactly what they were about. As our buffalo hunting was only for a supply of meat, and not for an indiscriminate slaughter of the animals for the sake of their skins, we seldom failed in obtaining what we sought for, and this was our mode of proceeding. Buffaloes have a regular drinking-place, and visit it regularly at a certain hour. Now our hunters soon found out those places that were in our neighborhood, and watched the drove when they came down. As soon as the huge brutes had filled their skins nigh to bursting, off they went in a clumsy gallop. Then the men dashed out from their hiding-places, and rushed their horses at the end of the drove. Selecting a young and fat cow, that might be walloping along on the outside, and among the last, the hunter would run his trained horse right alongside, and clapping a holster pistol to the shaggy brute's ear, pop a bullet in her brain. Nothing could be more simple, more easy, or more safe, provided the man was up to the business and the horse well trained. So well did this kind of life agree with me, that had it not been for a wife and children in old Alabama, and certain qualms at night-fall about the uncertainty of finding my hair in its usual place in the morning, I do not know but that I might have gone on, Robinson Crusoeing it yet.

"At last, however, our work was completed, and all my party, with the exception of two, had left for the States, going by the upper route and Traumel's Trace, and we, the remainder, went off west.

"The troubles had already commenced, and the Mexican garrisons had been expelled from Nacogdoches and Annahuac. We were packing our portmanteaus to start upon our homeward route, when news were brought that the Mexicans were advancing upon Gonzales; and anxious to have a chance at them, we left for the scene of the anticipated scrimmage immediately.

"When we arrived, the village was in a precious state of confusion, its dozen men and boys running about frightened to death, and doing nothing, and the women tearing their hair and what little linen they possessed. The Mexicans were said to be on the other side of the river, a few miles below.

"We immediately collected every sheet, counterpane, and tablecloth that the village could boast of, and setting men and boys to work at cutting and carrying poles, soon erected at the back of the village what appeared to be tents enough for a respectable encampment.

"Two crotches, with a pole across them, and a couple of sheets thrown over it, with their ends carried out and fastened to the ground, makes quite a personable tent—when viewed at a distance—I can assure you.

"Having everything properly prepared in the tent line, it was only necessary to mount a sufficient number of sentinels, and for this duty we detailed a number of the women, who for that purpose were inducted into the breeches, let us hope, for the first time. Five or six marching along very stiffly and formally indeed, in front of the mock encampment, gave it a quite a grand appearance; and upon the river's bank some of the men were stationed, while the rest were preparing and repairing arms, saddles, and bridles, for the coming fight. We had not been there an hour before my great surveying tent arrived.

"When we left for Gonzales in such haste, I engaged a friendly Mexican to bring it along as soon as he could, upon pack mules. The tent was a huge one, and divided into two parts, so as to make it the more readily portable. This we pitched in a conspicuous spot, and having hoisted a small flag above, it answered remarkably well for an officer's marquee.

"Now all this humbug had but one object—to keep the enemy at a respectable distance until we were ready for him.

"We had not long to wait. Even as we were putting the finishing touches upon our marquee, a troop of cavalry came dashing up at a hand gallop to the opposite shore of the river. They intended to have surprised the town; but instead of taking the ford when they had reached it, came to a sudden halt, and then made a very decisive movement to the rear. They retreated behind the skirt of timber, and did not make any further demonstration, although every little while some officer would ride up to the bank, and after looking very wisely and curiously upon our arrangements, trot off again, probably shaking his head, and without doubt pouring forth a perfect flood of 'caraccos' and 'carambos.'

"In this position stood affairs at sundown, except that our force was continually upon the increase, and by that time we numbered sixty effective, hardy men, and had also two small pieces of artillery, of which the veteran Col. Neil took command. We were now quite ready for a fight if we could only get one, for your Mexican has never a stomach for anything of the kind unless he happens to catch you unawares and unprepared.

"Selecting the best rifle in the corps, I walked down to the spot opposite which the Mexicans repeated, from time to time, their *reconnoitre.* I did not think the rifle had force enough to carry a ball across the stream with sufficient strength to do any good after it got there, but still, I determined to give the next 'cabalero' a right good scare, for they believe that the power of our shooting irons, and our skill in wielding them, are both supernatural and diabolical.

"I did not have to wait long. Two gaudily-dressed officers rode up to the bank, and shading their eyes with their hands, prepared to take a long and careful squint at *us.*

"Shading myself behind a bush, I prepared to take a long and careful squint at *them*, in the hope of making them see sights, as that was evidently their desire, but the only sights that *I* cared for were those of my rifle. I took the shot, and they took the 'shute.' I can't for the life of me tell which went off first, they or the gun. The blaze had barely poked its nose from the muzzle, when in went the spurs, and off went the warriors, not waiting for report or bullet-in. As I heard their spurs and sabres jingling, and watched their nodding plumes, I consoled myself with the idea that I had made the feathers fly, even if I had not brought down my birds.

"As soon as it was fairly dark, we marched down stream about half a mile, to a bend where we had a flat concealed. We had with us fifty men, and our two small cannon. The horses swam alongside the flat, and in three trips we were all safely over. At our camp, the remainder of our forces were parading back and forth in true military style, and the large camp-fires that illuminated the village gave quite an imposing air to the whole affair. When we had drawn up in order upon the bank, two experienced scouts were sent out to spy upon the enemy. They found them without trouble, and soon reported their position. The Mexicans were in sad perplexity, and evidently badly scared.

"Fearing an attack, they did not dare to light their camp-fires, or even strip their horses, but were allowing them to feed, every man holding his animal by a slipped bridle.

"Most of our party were for making a sudden and desperate onslaught upon them; but the veterans all vetoed such a proceeding most decidedly. If our object were a fright instead of a fight, it would have done; but a fight we were burning for, and, as the enemy were not more than two to our one, the odds were nothing at all. The Mexican is as cunning as a fox, as slippery as an eel, as bloodthirsty and as cowardly as a wolf, and has not the most remote idea what a fair fight is like. The enemy were well mounted, and had the heels of us without doubt. If we attempted a charge, they would be off before we had half a chance. A few experienced hands might indeed creep up to their stamping ground, and drop a man or two; but the moon shone too brightly to allow of any but old hunters trying the experiment, and so we determined upon an ambush. Six of the best mounted men were despatched to draw the enemy along the edge of the timber, while we were to treat them to a discharge of our field-pieces—loaded with trace chains, for the want of grape-shot—and our rifles.

"The squad made a circuit, and came upon the Mexicans on the prairie side. They rode along slowly, as if entirely ignorant of the hostile presence, and, when they came as near as was advisable to the picquet, hailed to know who were there.

"The enemy were all alive in a moment. Here was a chance for glory and immortality not to be lightly thrown away; here, a fight exactly to their liking. Not waiting for the trumpet's 'boot-and saddle,' not waiting for officer or word of command, scarcely sparing the time to replace the bits in their horses' mouths, away they dashed, helter-skelter, in wild and most admired confusion. A short burst brought them right opposite us, and, had the old colonel waited for the main body of the rascals, we had emptied many a saddle; but his desire to be at them brooked neither delay nor advice, and as soon as the first came straggling by at full speed, bang went the cannon, down came three or four Mexicans and their horses, cut into mince-meat, and away for their lives sped the rest. They had suspected something was wrong all the afternoon, and now they knew it, and were satisfied with the limited amount of that knowledge, without any further inquiry into the matter.

"Away sped the Mexicans, and away sped we after them; the rifle-balls whistled; the flashes from the frequent discharges, like meteors, lighted up the scene; the enemy yelled with fear; the boys shouted with rage; and, excepting the celebrated San Jacinto races, it was never my lot to behold such a scene of confusion. It was all of no use, however, for their horses beat us, if the men could not, and I do not think we saved a single Mexican, but those whom we got at the first discharge."

CHAPTER XV.

THE COLONEL'S STORY CONTINUED—SPECIMENS OF TALL FIGHTING.

"I DO not now remember, not a battle alone, but any kind of a fight with the Mexicans, in which they did not outnumber us immensely. The Alamo was stormed in the face of ten to one, and when the cowards sent out a flag, such an unorganized set were we, that there was no proper officer to receive it. We were out of ammunition, and began to feel pretty badly whipped. Word was passed from house to house that it was about time to be off, and I never was more astonished in my life than when the enemy exhibited their white flag. Think of twenty-five hundred regular troops in a fortress surrendering to less than three hundred civilians, without discipline, and almost without officers! I asked General Cos—when he was a prisoner in Galveston—how such a thing could happen?

"'Why, sir,' he replied, 'what were we to do? We could not even show a finger but it was shot off; my men would *not* stand it any longer; they would as soon have fought the devil himself. I *had to* surrender.'

"The battle of San Jacinto was fought against three to one, and not much of a fight at that. The defence of the Alamo was against *fifty* to one, and at least a thousand of the enemy bit the dust. General Baker, with but thirty men, kept the first division of the grand army at bay for several days at Brazoria, and that little fight at Lipantitlan, some four months since, was not to be laughed at. When eight hundred cavalry surprise and surround one hundred and seventy infantry, it is no joke, even though the enemy be Mexicans.

"But of all the fights that ever I was in, give me the battle of Conception, or, as it was better known at the time, 'the battle of the Horse Shoe.' It seems now to be quite forgotten at home, and was never known of abroad. The capture of the Alamo made so much noise as to completely swamp the glory of my pet scrimmage. That German, who calls himself Seatsfield, the author of a good many readable books, has given so good a picture of the battle, that I think he must have been in it or near it. He has romanced so much, however, that everybody thinks the whole affair a mere offspring of his imagination, as indeed was his fish story of the old hunter, who was lynched and came to life again. I think he had some idea of Deaf Smith when he drew that character.

"The truth about the battle is this: Burlison, with eight hundred men, had taken post on the San Antone river, some distance below the town, and there he lay waiting for reinforcements before he should attack a place that, defended by as many Americans as it had Mexicans, would have been impregnable.

"It was deemed advisable to advance nearer upon the town, and accordingly volunteers were called for to reconnoitre the country about the enemy's position, and to search for a safe and convenient spot for the army to advance and encamp upon.

"Ninety-two men stepped forward, and I among them. We were ordered to proceed up the river until within six or seven miles of San Antone, and, after selecting a proper spot, to return before night. The army was to march and take up their new position on the next day. So off we started, every man upon his own hook, for although we had those among us that afterwards distinguished themselves as officers, yet, with the exception of an old Indian-fighting general, no one assumed any particular command. We had especial orders to avoid any collision with the enemy, and to retreat upon the least symptom of danger. As the men, however, were fairly 'froze for a fight,' there was little chance of these orders being obeyed, if fortune should send the Mexicans in our way.

"Not finding any within the prescribed distance, we determined to advance nearer upon the town, and pushed on until we found, near the old mission Conception, and three miles below Bexar, as lovely a camp-ground as ever fell to the lot of weary soldiers. A bend in the river, known as the 'Horse Shoe,' had upon its shore a strip of bottom land, above which the prairie arose like a line of wall, so as to form a perfect breastwork, and although the latter was not more than four feet higher than the 'bottom,' yet as it curved around on either side until it met the river, a better position for infantry could hardly be conceived of. Wood and water on the spot, the river for our rear defence, and the prairie wall for our front, no wonder that we gave a cheer when we found it, and no wonder either that we determined not to return to the main body, but to send back two messengers, and for ourselves, to camp for the night, and await Burlison's arrival.

"All notion of fighting passed away, and we foolishly imagined that our present situation was unknown to the enemy. We were about as wise as the silly bird that hides her head in the bush, and thinks herself perfectly safe until 'a fire in the rear' convinces her too late of her error. We had not been at our new camp an hour before Mexican women began to come in, with 'polonces' and 'tortillas' for sale. We bought of their wares, and they, immediately after leaving camp, went up to Bexar and reported our exact number. I found afterwards that they had stated our force as ninety-two, which it was at the time, although two men were subsequently sent back to Burlison.

"Night drew on. We made our fires, cooked our suppers, eat, drank, smoked, and were merry. A guard was set, and one by one the rest departed for the land of Nod. Although camped on a 'bottom,' I slept like a top. Towards morning my neighbor—I had almost said bed-fellow, for our blankets touched—grasped my leg gently, and woke me up.

"'Hist!' said he, in a low voice.

"'What is it?' inquired I, in a half-asleep and thoroughly cross tone.

"'Hush, for your life!' he replied, in a whisper; 'listen, do you not hear anything?'

"Like Bottom, I was all ears in a moment. Above the noise made by the rushing waters at our feet, I heard a mournful and dismal sound, as like the low moan of a dog as anything that I could compare it to.

"'Pshaw!' said I, 'it's nothing but a wolf or a hound.'

"'Yes,' replied my companion—who was no other than the noted Col. Bowie—'yes, you are right; there are wolves about, but that sound you hear *is the creak of artillery wheels.*'

"'Let us alarm our men instantly,' said I.

"'No such thing,' he answered; 'keep still; those rascals are upon the opposite side of the river, and they expect to surprise us. Let them think so, if possible, until they make the attack. That wheel has saved us. You do not hear it again, and you will not, for if they have no means of quieting it, they'll send back for grease. I'll bet now that those wheels are bound round with straw or rags, and that the horses' feet are covered with cloth or buckskin, to prevent any sound from reaching us. Unless something goes wrong with them when they ford the stream, you will hear nothing further until the artillery speaks."

"It was a fortunate thing for us that they were obliged to cross not more than two hundred yards below the camp, for had they come down upon the prairie side, we should probably not have heard them, as we would have been to the windward.

"Bowie went cautiously about the camp, and arousing a few old scouts to help him, soon had every man in camp awake and prepared, without the least noise being made in the premature reveille.

"We spread ourselves entirely around our small piece of bottom land, facing the prairie, knowing that thence must come the attack. Presently we heard the enemy cross the river. Had our senses not been sharpened to the utmost by a knowledge of the impending and imminent danger, we probably could not have distinguished the slight noise attending their crossing, from the rushing sweep of the river; but so preternaturally acute did our hearing become, that the low toned words of command could be distinctly separated from the other surrounding sounds. There was just air enough to convey the slightest noise to us, without there being sufficient to disturb even a leaf.

"At last they were all over, and then slowly and carefully did they march round to take post on our front, preparatory to their intended attack. We could hear them range themselves, but a thick mist was rising from the river, and everything was by this time concealed from our eyes. We could even hear them unlimber the cannon, and were very sure that they were in reach of our rifles. What weary moments were those, as we lay, silent as the grave, expecting every instant to hear the roar, and feel the hurtling storm of their artillery. But the fog had disconcerted them, and although it was but little past three when we were first alarmed, the ruddy tint imparted to the dense mass of vapor, now told us plainly that the sun was rising.

"Never can I forget that weary watching, but its prolonged anxiety was as nothing to the dreadful feeling of suspense we experienced when the fog commenced lifting, and we could see the feet of the horses and the lower part of the wheels of the artillery. At this moment word was whispered cautiously through the ranks for each man to pick out his mark, and to fire from a rest, at the word of command. Higher and higher the fog drew up. It was evident that the decisive moment was at hand. Officers passed in front of the line of horse, issuing orders.

"'Take a tree,' whispered Bowie to me; 'take a tree, the nearest one to our breastwork that you can.'

"A cool breeze fans our fevered cheeks, the dense mass of vapor rolls up as a curtain; there stand the horse fully revealed, there are the cannon, there the gunners whirling their matches, there the trumpeter with his instrument already at his lips to sound the charge. All this we saw, but only saw it, for at this very instant the matches were extended towards the cannon, the horsemen drove their long rowels deep into the horses' sides, but ere the iron storm burst forth, ere the horses had made the first leap, or the trumpeter blown his first note, a stentorian voice from our ranks shouted 'Fire!'

"Down went horse and rider, down gunner and trumpeter, and rifle ball and grape shot met careering in mid air. The confusion in their ranks was indescribable. Checked in full career, the horses wheeled and ran; every man at the guns was shot down, and for a moment we thought that the contest was over. But no; they knew our numerical weakness too well, and having again formed, here they came dashing up in splendid style. The strife was now to obtain the mastery of the artillery. *We* dared not take them, and determined that *they* should not.

"'Give it to them in the face and eyes, boys,' shouted Bowie, 'never mind their backs.'

"Up they came, and just as the leading squadron reached the guns, down went every man of the front rank, and away went the rest.

"Another charge, and the same result; then came a bold attempt to withdraw the cannon without our line of fire, and here more courage was exhibited than I have ever seen in Mexicans since. They surrounded the guns, dismounted some men, and absolutely gave us a harmless salute; but again every artillery-man bit the dust.

"The enemy, forced to abandon their field-pieces, once more retreated, and their officers evidently held a long and warm consultation, in full sight, but out of our line of fire. Some of our men wished to make a rush for the cannon, but to have been caught upon the prairie would have been destruction, and the proposition was decidedly overruled.

"The enemy were in trouble; the men had apparently had quite enough of it, and we could see the officers whipping them into rank with their swords.

"On they come again, and as they draw near, Bowie's voice is heard once more:—

"'Steady, boys, steady! wait your time!'

"We did; and I firmly believe that three out of four of our shot told. The destruction was awful; no Mexican could stand it. As they broke in confusion, a man—the Sergeant Major—dropped from his horse, hammer in hand, and endeavored to spike one of the guns. He fell, shot through the head. Our men, no longer to be restrained, now dashed out upon the prairie, seized the guns, and the fight was over.

"Had they done this before the enemy were thoroughly disheartened and cut up, not one of us would have lived to have told the tale, but all the fight was fairly taken out of our foes.

"The field was won, with no greater loss upon our side than two men slightly wounded. Bowie approached me—

"'Colonel,' said he, 'I believe this is your first fight. What tree did you take?'

"'I could not tell for the life of me,' said I.

"'Well, come with me, and I'll show it to you,' he answered, and taking me a few steps, pointed out a sapling about six inches through. 'A pretty shield for a full grown man,' said he, and I thought so too.

"We did not wait for another visit from our Mexican friends, but, having spiked the cannon, we threw them in the river, carried off the ammunition, and made the best of our way back to Burlison's camp.

"And now, gentlemen, to our blankets."

CHAPTER XVI.

SOME OF THE PLEASURES OF A NEW COUNTRY.

THE next day saw the Colonel, Uncle Billy, and the reader's humble servant *en route* for the up-prairie settlement, where it was arranged that I should remain a month, and then, with the two land litigants, proceed to Malden—as for reasons, a certain county town shall be designated.

Four days' attention of the doctor, and something less than a pound of calomel, put Joe, not exactly upon his legs again—they being rather shaky for some time—but quite the other side of the fever. In Texas, the physician must make short work of the disease, or the disease will of the patient, and when the body-curer has twenty-five or thirty miles to ride to a case, it is customary for him to remain until the affair terminates one way or another. The patient finds a double advantage in this, for he avoids more than one payment of the somewhat serious charge of mileage—a dollar a mile—and also is hurried out of his fever or out of the world with all possible celerity by the doctor, who fears being called away before his work is half done.

In Joe's weak state, the shingles were a very heavy weight upon his mind. The rain recommenced on the day after my return, and for a week poured, until the porous earth would drink in no more, and then the fluid made wide and unaccustomed lakes upon the level ground, or went off in extemporaneous rivers, wherever a descent of surface gave it a chance to run. Joe's mind, sleeping or waking, dwelt upon nothing but shingles; now he would flatter himself that they were safe, and then again in his mind's eye he would see miles of the river, and the entire surface of the bay, covered over with a very unnecessary roof—as it were—at his expense.

Determined to set at rest a matter that was evidently producing an injurious effect upon the convalescent, I persuaded one of his brothers to accompany me to the thicket. Long before we reached the river, a deep rushing and moaning sound, breaking the sacred silence that usually dwelt in the old woods, admonished us of what we had to expect, and yet, when we at last reached the bank, and pushing our way through the dense cane that formed a wall impervious to the eye, had a fair view of the swollen current, the effect of the sight was truly startling.

To me there is always something fearful and soul-subduing in the mighty rush of dark and resistless waters, and when such a sight suddenly burst upon my view, in the wild and lonely forest, I fairly shuddered.

The river was bank full, and swept by us with frightful velocity, tearing down huge trees, and hurrying them off as if they were but straws upon its surface. The quiet, gentle stream, that once tripped merrily along, with its clear waters sparkling in the sunbeams, had changed to a savage monster, a giant refreshed with sleep, who in a fury was hurrying on,—lashing the banks, ravenously devouring everything in its path,—to try conclusions with the tides of the bay.

It was evidently all up with our timber speculation. Our shingles had cleared for the gulf and a market, without due clearance, and in all human probability "our bark was on the sea" at that particular moment. My companion came to the same conclusion, and expressed it too in his own way.

"Them shingles," said he, "is done gone, and the 'dug-out' 's arter 'em. Wont the red fish bark thar noses and spile thar teeth, and the grand-ecoys" (large and ravenous fish) "choke theyselves jumpin' at 'em for mullet? Mighty apt, I tell ye. Aint the river a humping it tho? Reckon we'd best be a-barkin' on the back track, for dern my skin ef the 'drink' aint up and a-coming like a quarter horse."

I thought so too, and accordingly home we went. Now that Joe knew the worst, he was perfectly resigned and quiet about it. All his speculations had had equally unfortunate terminations, and if this had succeeded I am convinced that he would have been really disappointed, and have looked upon his success as something quite unnatural and portentous. The excitement of the chase was all that he craved, and but little cared he for the game.

"I'd a swore it," was the only reply that my tale of destruction elicited, and evidently as relieved in his mind as Marryat's Captain upon discovering that his son had certainly been swallowed by a shark, our speculative philosopher turned over and went to sleep.

A miserable dreary month of drizzling rain succeeded my return, enlivened only by the musquitoes, red ants, and a semi-occasional ray of moist, half-asleep sunshine. Musquitoes are not usually troublesome in Texas. The heavy winds sweep them from the prairie, a day's hot sun or a heavy shower destroy all within their reach, but the drizzling misty weather we then experienced was just the thing for them, and words can convey but a slight idea of the nuisance they became. Horses and cattle herded closely together in great droves, taught by instinct that the steam from their reeking sides would banish the tormentors. Stock-raisers made huge fires nightly in front of their cow-pens, and the poor animals would assemble from all parts of the prairie, and pass the night under the friendly protection of the smoke. Out-door work was in many places suspended, for men needed both hands to protect their faces, and consequently had none to spare for any other purpose. Those who remained in the house kept near by them a pan of coals and cobs, made living bacon of themselves all day, and sweltered and suffocated all night with their heads under a blanket—unless indeed they were the fortunate proprietors of a musquito bar. But the ants! the intolerable, indestructible, unconquerable ants. The termites of Africa are fools to them. I have no question but that the frequent mounds upon the prairies of Texas are the work of the large white ant. You will find no mound without one or more of their hills upon it. This variety, and also the large black ant, if left alone, cause little trouble; but the small red ant, that invades houses, stables, and corn cribs, in hordes of untold myriads, heaping up piles of dirt three and four feet in height against the side of any building which may be convenient, and invading every part, are truly an Egyptian plague.

I once saw three men spend the whole of a long summer's day—a rainy one—in heating and pouring water down one of those miniature caves that lead to the domicile of a new colony. On the next morning, the sun shone brightly, and his first rays fell upon millions of the unfortunates, who had been scalded in their holes, and as soon as the rain had ceased, were brought up by their living brethren, and lay strewn all around the vicinity of their hole.

The only advantage one possesses in living, as it were, among the ants, is, that other vermin give this small and spiteful insect a very wide berth. The common cockroach and the Spanish roach—known to ears polite and scientific as the "*cimex lectularius*"—keep at a very respectful distance, and that especial torment, the flea, will turn and flee.

Texas, in fact, may be entomologically divided into two great sections: the ant country and the roach and flea country. The musquitoes, snakes, scorpions, centipedes, red bugs, and tarantulas, are impartially distributed between both. Of the two grand divisions, I much prefer the land of ants, for there you can manage to exist during the dry weather, although when a heavy rain sets in, the sight of a line of ants marching and countermarching across the floor, perhaps up the bed-posts, and right through your bed, all engaged in removing their household gods to some drier latitude, is more astonishing than agreeable.

One night, during a severe storm, I slept in a large room, with a companion who was to depart at daybreak for up-country. On entering our sleeping apartments, we noticed several lines of ants marching across the floor, but as there was no such thing as interrupting their march, we retired for the night, praying fervently that they might not take it into their heads to make a "covered way" of either of our beds before morning.

About light, I was aroused by a tremendous uproar, and found my friend dancing up and down the room "*in naturalibus*," yelling, stamping, and slapping himself with such violence that he appeared as if animated with an insane desire to reduce himself to a human jelly as soon as possible.

"What on earth is the matter?" inquired I.

No answer did I obtain, but after a few more saltatorial performances upon the gentleman's part, I saw him jerk open the door, rush out, accoutred as he was—his only garment swaying and flapping about in the morning breeze—run at top speed to a small stream near at hand, and, without a moment's hesitation, plunge head-foremost in it.

"Sudden insanity and felo-de-se," thought I, but no such thing. As soon as my friend—having cooled himself off—had returned and recovered his breath, he informed me that his inferior garment, chancing to fall in a straight line upon the floor during the night, the main array or principal column of ants had changed somewhat the order of their going, and marched directly through the very convenient tunnel that chance had provided for them. Being somewhat nearer asleep than awake when he jumped up, he did not perceive the black stream that was footing it through the feet, nor the issue of the bands from the waist-bands of his trowsers. Seizing the article in both hands—like Cassius when playing "follow my leader" with the immortal captain of Rome—he plunged in, and bade me, not follow, but awake in haste. If the torrent did not roar, he did; stemming it and throwing it aside with hands of controversy, and finally ended *his* frolic where the Romans began theirs—with a cold bath.

The month rolled slowly by; the rain fell, the musquitoes swarmed and bit, the ants changed their quarters often, and sometimes a heavy shower at night, and a fresh leak in the roof, compelled me to change mine.

Besides these amusements, I played a little upon the ordinary stone pipe, and spent much of my time in drinking coffee, chatting, and reading. The library of the Hough settlement was not large to be sure, but it was select. A well thumbed copy of Webster's spelling-book and one of Hale's History of the United States were all that the shelf contained. If I remember rightly, I read the latter book through seventeen times, and regret to say that *ennui* so got the better of my peaceful principles that I sincerely regretted the war had not lasted ten years longer. At length we had a few days' sunshine, and in desperation I plunged into deer-hunting, and devoted body and mind to the pursuit.

But the fine animals merit a chapter to themselves.

CHAPTER XVII.

A CHAPTER ON THE DEER.

Some love the green wood's shady grove,
And some the mountain side.
Some would in peaceful valleys rove,
And in their rich fields pride.

The prairie's grass-waved landward sea,
The broad expanse of green,
And countless herds of deer, to me
Are better far I ween.

Of all the animals with whose natural history I am acquainted, the Red Deer is the most curious. Curious in both significations of the word are they, singular in all their habits, and also possessing a greater share of pure unmistakable curiosity, than falls to the lot of any other living things that boast of FOUR legs to carry them through the world. I have sometimes thought the generic term, DEAR *woman*, had been bestowed upon the sex by some mighty hunter, who, equally cunning in the field and boudoir, thus embodied and concealed a fine sugar-coated sarcasm, and capital pun.

The deer appears to me to have been intended for a domestic animal; and we have none that so soon becomes familiar *with*, and attached *to* man. Run down a fawn of two or three months, throw him across the saddle in front of you, and as soon as you have reached home, you may set the little fellow upon the ground, and leave him untied and unwatched, for the short ride of a mile or so in your company is quite sufficient to thoroughly tame him.

Be careful, however, lest you meddle or make with those of a more advanced age. Their hoofs cut like razors, and every muscle in their bony legs has the force and elasticity of a bow-string.

The stories travellers are wont to tell, concerning the dangers to be apprehended from bears, catamounts, wolves, and wild cats, are all a gigantic humbug.

Wolves—at least southern ones—are cowardly as whipped curs. A catamount or panther is a huge creature in truth, and doubtless *might* make a formidable fight—and so might an ox; and is in fact quite as likely to. I have slept upon the ground night after night, without the least apprehension, in a thicket where I knew catamounts abounded, and although they left the sign manual of their huge paws in the sand, about the camp, they never dared meddle with the inmates.

The bear has a species of sullen courage, when too closely pressed, too badly treated, or—especially if a female, should the family circle and the little ones be too rudely intruded on. But leave Bruin to himself, don't tread upon his toes, and he is a very respectable, quiet, stupid individual, with a species of surly humor and fun about him, that is excessively amusing. The tiger cat, or wild cat, is harmless as far as anything larger than poultry is concerned; at least I have never known of more than one person being injured by them, and *he* brought the punishment upon himself.

A sailor had escaped from some man-of-war at Savannah; fearful of being retaken, and meeting the punishment of a deserter, he made a *straight wake* up the river for Augusta. Before entering the town, he determined to reconnoitre a little, or as he would have expressed it, *stand* *off and on*, and pick up a stray negro perhaps, who might furnish him with food and information.

Fatigued with his hasty journey, honest Jack *turned in*, in a dense thicket, hoping to recruit his wasted energies, and brighten his brain with a cat's nap, which, however, was but of short duration. A mingled howling, yelling, spitting, barking, and caterwauling, in his immediate vicinity, suddenly awoke him, and jumping up in haste, he beheld a huge wild cat backed up against a tree, doing battle against some dozen hounds, whelps, and curs, of every degree.

Now, everybody acquainted with Jack's idiosyncrasies, knows that Nature or Neptune has implanted in his breast a singular fondness for out-of-the-way birds and beasts; and our worthy friend could not resist the temptation of making captive so charming a stranger. Drawing off his monkey jacket, he cautiously approached the tree where sat the chivalrous cat, not dreaming of her new enemy, and suddenly throwing the said jacket over the cat, he enfolded her in it, and drew her to him in a close, if not loving embrace.

He had better have hugged the *gunner's daughter*, for the alarmed and infuriated beast fastened upon him, and tore away with tooth and toe-nail. Poor Jack, not emulous of repeating the tale of the Spartan boy and fox, cast off from the strange sail as soon as he could get clear of her grapnels, and then had to make the best of his way into town for medical assistance.

I presume he learnt from this, the necessity of giving strange craft a wide berth when cruising in strange latitudes without a chart.

I am sorry to demolish the wonderful tales of so many of our western travellers at one blow, but I can assure my readers that as far as my experience serves, the beasts of prey of the Southwest are a perfectly harmless and much-abused race of individuals, and that a person incurs more danger from passing through a barnyard, when occupied by its horses, cows, and oxen, than from staying a week in the wild woods, and listening to the nightlong serenade of the wolf, and the rattle of other and larger beasts in the cane.

But from the *stock* cattle of the prairies there is real danger. And the deer—like dear woman again—when thoroughly aroused, is no contemptible enemy, as any one will believe who has seen a buck with his hair thrown back, and his flashing eyes, preparing for a charge.

I knew a very worthy old gentleman who, *en route* for Texas, had been shipwrecked, and lost all his worldly goods, save and except the *materfamilias*, and a dozen or so of youngsters of both sexes, all provided by dame Nature with prodigious mouths, and appetites to match.

For some time after their exodus, the family practised a series of experiments—like the Milesian horse educated to live on nothing—to ascertain how near they might approach the verge of starvation without going quite over the dam, and when at last the old gentleman became the possessor of a musket, there was great rejoicing among his famishing brood.

Like many others, he imagined that as there were always great numbers of deer upon the prairie, all that he had to do was to go out and shoot them down; but being no great sportsman—a Quaker to boot, and therefore not to the manner—of shooting—born, he made a sad mistake.

Loading his musket in such a manner that it would probably do execution, at one end if it did not at the other, he sallied forth a-field.

At a distance, a large drove of deer were quietly cropping the prairie grass, and towards them he bent his way. Having heard the mode of *crawling for deer* described, when he had approached them somewhat, down he dropped upon his knees and commenced Nebuchadnezzarising towards his intended victims, drawing his gun behind him. It was slow and wearisome work, and the old gentleman was wheezing and panting along like a high-pressure steamer, when he suddenly heard something behind him blowing rather harder than his own pipe.

He turned, and right in his track a large buck was following, smelling and snuffling the trail, his eye flashing, his hair all *turned the wrong way*, and the beast evidently quite ready for a fight. Not so our friend—but dropping his musket, without a thought of putting it to its legitimate use, off he went instead of his gun, and scoured for home to endure the reproaches of his wife and family, and to have his first and last hunting adventure fastened to him, a joke *in perpetuo*.

I knew an instance of a man who had been at the house of a neighbor to borrow a shovel, and was returning home with the implement upon his shoulder, when a large buck made a fierce and entirely unprovoked attack upon him.

Being a determined and powerful man, he gave the pugnacious animal rather more than a Roland for his Oliver, and finally laid him out—or as he said, *made meat* of him; but for the aid of the shovel aforesaid the result might have been different. Spades, certainly, were trumps with him.

The most singular affair of the kind that ever occurred to my knowledge, was a regular up and down fight, between a wounded buck and an old, experienced, and athletic hunter. The latter had crossed the bayou, upon whose brink his cabin stood, and in a very short time crawled up to a fine deer, who fell in his tracks at the rifle's crack.

There are three things to be done when a deer is shot down, and your true hunter seldom neglects them—he first reloads his rifle—then hamstrings his game—then cuts its throat. Our hunter imprudently neglected the first precaution, and thinking the deer dead, or entirely *hors de combat*, drew his hunting knife, and approached with the intention of cutting the hamstrings. A sad mistake he made; for just as he was about to cut, the deer gave him such a kick as a deer *can* give, the man landed upon his back, and the knife went—heaven knows where.

In an instant, both the deer and our friend were upon their feet—the deer rushed at the man, who seizing the horns and giving them a violent twist, down went both of the combatants; this was repeated again and again, until the contending parties were entirely exhausted.

At last, the quadruped marched off a few rods, and stood looking intently at the biped. The latter, after patiently waiting for half an hour, endeavored to creep to the spot where his gun was lying. In an instant the deer was upon him, and again the same scene was re-acted. Once more the deer left him, and this time our hunter had the good sense to lie perfectly still until night-fall, when the deer slowly moved off, and the man then crawled on his hands and knees—for walk he could not—to the bank of the bayou, and by his shouts obtained assistance. He was taken over to his cabin, and there lay for nearly two months before he recovered from his severe bruises.

The yearly shedding of the deer's horns is not the least singular peculiarity of the animal. The horns commence growing at the end of the second year; in one year after, they drop off and soon reappear with an additional point, so that to ascertain the age of the animal, all that you have to do, is to count the points upon either horn, and by adding two to them you will obtain a correct result.

I have mentioned the curiosity of the deer, and truly their inquisitive disposition is marvellous; it overcomes their timidity, and frequently proves fatal to them.

Place yourself in a tuft of high prairie grass, within sight of, and not too far from a drove, and by popping up one arm, then another, then your foot, then waving a handkerchief from the end of your ramrod, you will soon have the animals' curiosity thoroughly awakened.

First they will snuff the air, to endeavor to ascertain by the scent what new creature has made his appearance in their domain; then they will commence walking slowly up to you, nor stop, until satisfied that it is a man, or met by your rifle-ball.

They make very troublesome pets; perfectly at home, they will roam over every part of the field, garden, and house, poke their noses in the dairy—taste the milk, upset a pan or two, and if they meet with anything not to their liking, give it a butt with their head, or horns, if they have any—walk out, nip a cabbage or so, eat a few sweet potatoe vines, try a dozen roses, and perhaps finish their lunch with a cambric handkerchief or a choice bit of a flannel-petticoat, should there be any spread out upon the grass. I have even seen one make fair headway with a chew of tobacco, although he ultimately came to the conclusion that it was *not* good for his complaint.

Upon one point I have never met with any exaggeration—the abundance of deer and other species of game in the prairies and timber lands of Texas,—and in fact it would be difficult to exaggerate.

I have lived upon the bank of a bayou, and counted night after night, from five or six to twenty droves come down to the stream to drink.

They are *there*,—plain to be seen; killing them is however entirely a different affair, and few persons ever become successful hunters. You may ride among them, and you will find them more approachable and less timid than even the stock cattle; but dismount, and they are shy enough.

The most successful mode, and the most practised one of hunting them, is to *crawl;* that is, upon discovering a drove near you, go down upon your hands and knees, getting a tree or a prairie mound before you, and slowly approach the deer, and if you are very fortunate, and have patience enough, you may get a shot at them; provided, always, your gun will go off.

The most uniformly fortunate hunters are negroes; some of whom, trained to the business to supply a plantation with meat, seem to make a sure thing of it. I remember one in particular, that, to my knowledge, was sent out usually as often as twice a week after *meat*, and during a period of a year he failed but once; and then, overtaken with an ague fit, he was forced to seek shelter under the shade of a tree, and give up to it.

This fellow seemed to hunt by intuition; he would leave his hat at home, tie a flaming red bandanna around his woolly sconce, and marching off quite unconcernedly into the prairie, seat himself in a place where *you* would be sure the drove in sight would never visit; yet there would he sit, motionless as a statue, and it seemed that the deer never failed to put themselves within reach of his fatal rifle.

Hunting anything is hard work; but hunting deer is worse than all other. There is more danger of tearing your clothes from your back, scratching face and hands, and bruising limbs in a bear hunt, but then there is the superior excitement of the latter.

A man *does* meet with so many woeful disappointments in the former, that, after a few attempts, nine persons out of ten resign in disgust all pretension to Nimrodism in that line.

Par exemple, one fine winter's morning I crossed the stream, gun in hand, having previously announced at the breakfast-table my intention not to return without *meat*. Whereat every one laughed, as the same determination had been heard before, from more than one about the board, without being succeeded by any very decided results.

As I was saying, I crossed the bayou, and then looked around me for my game, but none were in sight, where usually hundreds were to be found.

Near the stream was a fine grove of trees, and one of these I ascended, for the purpose of "prospecting," as a Californian would say, for deer. I looked around the wide prairie, and finally discovered one solitary animal at a distance of perhaps a mile, and after him I started, knowing that with but one chance I must take especial pains and caution.

When I had diminished the space between us by one half, down I dropped, and went to *creeping*, for fear my intended prey might discover me; and once seen, all hope of getting him would be lost.

Here let me remark, that one of those gentle, genial showers—which occasionally visit Texas in winter, sometimes beginning and ending with it—although of but ten days' duration, had drenched the prairie, and left a standing coat and covering of water, from one to two feet in depth.

Under these circumstances, the reader will perhaps appreciate the true delight I must have experienced in creeping upon hands—or on one hand, the other of necessity sustaining my gun above the water—and knees, through half a mile of sharp, high grass, and particularly cool water.

When I had, not perambulated, but genuflected over what I supposed to be a sufficient distance, I raised my head carefully, and looked around me. No deer was to be seen. At length, within fifteen feet of me, I spied a pair of ears, just visible above the grass; there lay my game.

"But stop," thought I, "may it not be a mule? I had better make sure, before I put my foot in it!"

I stood up, and although nothing but the ears and a small bit of the head was visible, I was satisfied that my "dear" friend, for whom I had been wading and crawling for a mortal hour, was before me. Down I sat, shook out my priming, wiped the frizen, then up again, and taking a long, deliberate aim, touched the hair trigger, and—the gun missed fire. Before the deer could have seen me—if the noise should have awakened him—down I dropped again, and this time removed my flint, and put in a fresh one, then, standing up, repeated my attempt, with no better success.

Again I took out the flint, rubbed the frizen, scratched its face, reprimed, and taking aim, again my gun missed fire.

The deer, who had been disturbed by the second snap, at the third jumped as if she had been hit, and started off at top speed; but bleating arrested her progress, and she turned and looked me full in the face, while I had time to take a fair aim, and—miss fire again!

Oh Job! thou Prince of Patience, who refused to boil over with rage, although covered over with boils and badgered with friends, hadst thou been in my stead, and had swearing been then invented, methinks thou wouldst have given thy tongue and temper a holiday.

What made the matter infinitely more annoying was, that when the deer was entirely out of shot, the gun which I had been snapping, finally consented to go off.

Had there been a tree near, *that* gun had never played me another trick.

CHAPTER XVIII.

A NIGHT IN A SHINGLE PALACE.

THE weary month drew at last to an end; the time and the men came, and I took my departure from the settlement of my primitive and kind-hearted friends. The prairies were covered with water; every marais overflowing, and each river, bayou, and branch, not content with its own bank-fulness of the element, must needs throw out aqueous colonies in every direction, and inundate all the bottom lands. Some streams were miles in width.

Had it not been for the inexhaustible good-humor of Uncle Billy, our long ride would have been quite as dry in one sense, as it was wet, in another. The Colonel was undeniably in a bad humor, and with some cause for it. Some time after the expulsion of the Mexicans from the country, a board of travelling commissioners was appointed to examine the claims of all landed proprietors; to confirm the titles of all good citizens, and of those who, if absent, had furnished aid in proportion to their property; and also to deprive of their land all who might have favored the enemy in any manner, or refused their assistance to the popular cause. About the time that this board was organized, Colonel Ting was obliged to be absent, and to spend some months in Alabama.

Having fought bravely through the war, and even recruited and taken to the country a company of infantry, there could be but little danger of his being accused of *incivisme;* but he had dipped largely in land speculation. Many of his surveys were very valuable, some as yet imperfect in title, and he well knew they were looked upon with covetous eyes by men in office and in power. Under these circumstances he deemed it advisable to have a portion of his interest represented by some one who would be in the country at the time the "travelling board" should investigate his claims. He chose a man who had been one of his surveying party, had served during the war under him, and was then in his employ, and promising him a very liberal reward if he conducted the business properly, intrusted him with papers of great value, upon the proper management of which depended many a fat tract of land.

The agent—whose name, by the way, was Horsely—improved the opportunity, let his employer's case go by default, and was rewarded for his rascality by a large slice of the very spoil, and money enough to set him up in business.

The postal arrangements between Texas and the mother country were then somewhat imperfect, and before any of Ting's friends could send him a word of warning, the mischief was done.

Ting returned as soon as possible, consulted the shrewdest lawyers in the republic, and wherever it was possible the disputed lands were taken absolute possession of by his agents, who commenced improvements upon them. It was soon discovered that Horsely had not given up the papers, which were now of the greatest value, as upon their production or destruction probably depended the issue of all the suits. The traitor apparently meditated a double treachery. He took care to keep very far out of the Colonel's way, but at last was brought to something like terms by one of his counsel.

According to his own story, Horsely was very innocent indeed. He said that he had done all in his power to protect the rights of Colonel Ting, but had been outgeneralled, and that the best that he could do was to come to temporize with the enemy. He had received about two leagues of land, and two thousand dollars, but had yet the possession of the papers, which he had pretended to the adverse party were destroyed. At the time, they were considered to be of but little value, but recent trials proved the contrary to be the case, and now he was ready to resign them, and assist the Colonel in regaining his land, provided he should be properly compensated for his great trouble, fatigue, and expense. His share of the spoils, he only deemed as part payment of his just claim, and modestly asked to be secured in the possession of it, and also for five thousand dollars more, or a mortgage upon the lands for that amount, if the Colonel should win his suits through his assistance.

The Colonel refused any compromise, and sent him word that if he considered his life of the least value, he must keep out of the reach of his—the Colonel's—rifle. Ting further informed him that he would not hunt him down, unless he should appear as a witness in the case for the adverse party, or should destroy the papers; but if either of these things occurred, he would not rest day or night until he was revenged.

Lately, the Colonel's lawyers had ascertained that Horsely was connected with a gang of thieves and desperadoes—an offshoot of the well known "Murrell clan"

—who had escaped to Texas, and while ostensibly following honest trades and professions, were in reality engaged in any villany that came readily to hand.

As the citizens of one of the eastern counties were about taking up the matter, with the intention of ridding their borders of them, it was thought that some discoveries might be made during the secret but thorough system of investigation that had been adopted, which might implicate Horsely in such a manner that legal or popular justice would lay claim to him, and in that case doubtless many things would come to light, of benefit to the Colonel and his claims.

A suit of very great importance had in consequence been put off from term to term, until heavy costs had accrued, and it was feared that it must go to trial at the approaching spring term of the court at Malden.

Upon the decision in this case depended several others, and as the lawyers predicted a defeat unless further delay could be interposed, it was no wonder that the Colonel's humor was of the sourest. Immersed in his own plans and thoughts, he kept some distance ahead of Mr. Roberts and myself, and scarcely exchanged a word with us during our first day's journey.

Far different was it with "Uncle Billy;" his good humor flowed on in an unceasing stream of fun, stories, and droll remarks, whenever the path—such as it was—would admit of us travelling side by side.

A weary day's journey we had of it; the water upon the prairies often being mid-leg deep to our horses, the gullies mostly in fine swimming condition, with "head" enough to carry half a dozen saw mills, and the "marais" soft enough to "bog a blanket," as Uncle Billy expressed it. We had followed the prairie trail all day, had seen but two houses, and those miles away upon the edge of the "timber," and night was fast drawing on, when immediately before us arose a heavy line of forest, which told of our near approach to the upper crossing of the San Jacinto, and also promised us three good miles of heavy travelling in rich "bottom" mud this side of the river, and eight more quite as bad upon the other.

The Colonel, whose impatient spirit had carried him far ahead of us, halted as he reached the timber, evidently with the intention of calling a council of war.

"I tell you what," said he, when we rode up, "before we get to the river, it will be as dark as my boy Tom, and it's all nonsense to think of going any further than the ferry. Shall we camp down here on the driest spot we can find, or go on and stop at Jenks's cabin?"

"I'm for Jenkses," replied Uncle Billy; "the woman's got a long tongue, and one that can't be beat for a quarter not easy, I reckon; but I'm for a dry spot for my blanket and a good supper; these we'll find, you may swar to it, fer the critter's some punkins at a fryin'-pan, I can tell *you.*"

"Well, then, we'll tie up at the ferry-house," said the Colonel, and off he rode.

"Hello, Cunnle," shouted Uncle Billy; "when you get thar, you needn't holler fer 'em to call off the dogs, for they don't keep none."

"No dogs?" inquired I; "that's strange. Why not?"

"'Cause dogs eat meat, and the madam goes in fer savin' it," was Uncle Billy's reply.

An hour's slow crawling through the soft black mud brought us to our destined haven, and I saw before me a small clearing, and as good an imitation of a Down-East shingle palace as the patriotic Yankees had been able to erect in the wilderness. It was a very long, very low, and a very narrow building, covered—sides, ends, and roof—with rude shingles. It also boasted of two doors, and about a dozen windows, perhaps two feet square. Altogether it was a great curiosity for Texas. The windows had small sash—evidently once the property of some unfortunate steamboat, and probably purchased at Galveston for a trifle—without any panes of glass, but in their places were to be seen the usual display of hats, bonnets, rags, and an occasional square of oiled paper.

The family who inhabited this distinguished mansion consisted of two brothers, the wife of the elder, and quite a number of tow-headed boys. The men were shrewd, industrious, and managing Yankees. They came there with little or nothing, bought a piece of valuable land on credit and for a song, made shingles, which they rafted down the river, and shipped to Galveston, did stray jobs of carpenter's work, rough cabinet-work, and even wagon-making, for any of their neighbors within thirty miles, took any kind of pay, kept a ferry and a kind of roadside inn, and were in a fair way of becoming quite independent.

We were warmly welcomed, our horses well cared for, and very soon a capital supper was smoking upon the table. As soon as the meal was fairly discussed—and *that* was no light matter—the inevitable pipes were produced and set in motion, and the Colonel determined that Uncle Billy's tongue should follow their example, not for our amusement alone, but to check, if possible, the deluge of inquiries that poured in a ceaseless and resistless stream from the lips of our fair hostess.

"I think, Uncle Billy," commenced the Colonel, "that although you take our legal troubles so good-humoredly, this being in the law does not quite suit you. Don't you think we should get along just as well without law or lawyers?"

"Well, now, Cunnle," replied Uncle Billy, hitching up his chair, and evidently setting in for a long yarn—"well, now, Cunnle, I'm rayther jubous about it. Thar's some men—tho' I ain't one of 'em—who hev a mighty likin' fer bein' allers in the lor; they ain't never satisfied tell they're fitin' and quarrellin', accordin' to the ax of Congress, in such cases made and provided. Arter all, I reckon the lor's of some use, fer it gives a livin' to them lawyer chaps, and ef they couldn't get it *so*, I'm rayther afeared they're too smart and too lazy a set to make the best sorter citizens.

"An old planter onst said to me, when he met me inside of one of them preambulating circuses and merry-jerries:—

"'I ain't here 'cause I've any pretickeler likin' fur these things, but, ye see, these chaps is bound to get a livin', and ye know they wont work, so I allow it's rayther the cheapest way fer us to give 'em a dollar apiece now and then, than to hev 'em help theyselves.'

"What a time thar is tho' in a county town when the court's a settin'. All the rogues is thar fer some reason or nother—some 'cause they're sent fer, and has to come; some to swar to owdacious lies, to clar thar friends; some to stock a jury, and a pile to 'spread the tiger' and play poker. Thar's more mischief, and gamblin', and drinkin' a goin' on while the court's a holdin', than in a hull year besides.

"I've seen some funny things at these gatherins. I remember a young lawyer's comin' to Opelousas, to set up, just as court was commin' on. He hung his shingle out to let people know he wer up fur all the courts, although he expected to do the reglar quantity of starvin', which the young ones has to go through with; and so he wer quite took aback when a lanky, slab-sided, squint-eyed lookin' critter walked into the office, without knockin' and opened with—

"'Hallo, stranger, how'dy? You're one of them lawyer fellers, I reckon, ain't you?'

"'Why, yes, sir, that's my perfeshion; happy to do anything in my line for yourself or friends.'

"'Yes, sir-e-e; that's what I calkelated; you see, Squire, I've got into a right smart differkilty, and me and my friends has been havin' a talk about it. We allowed our old pack of lawyers warn't worth shuks, and as we'd hearn tell of a stranger jest havin' arrove, we reckoned I'd best gin him a try.'

"'Much obliged, sir; being a new comer, I have nothin' else on my hands, and kin give my hull time to your bisness.'

"'Well, stranger, all I want you to do is to make a speech fur me half an hour long, and here's a 'fifty.' All I want is the speech, and don't disremember it must last half an hour, and nothin' shorter.'

"'Really, sir, you're very liberal, very liberal, indeed; but what is the case?'

"'Oh, nuthin pertikeler, ondly I happen to kill one of my own beeves, that some thievin critter had sot his brand on afore it was a yearlin'. You don't want no items nor witnesses nither, ondly you be to court to-morrow mornin' at nine. Good day.'

"This was all our lawyer got out of the chap—though, bein' his first case, he was mighty anxious to know all about it, so that he could do sumthin' uncommon smart in the defence.

"He looked on the fifty as a sorter godsend; and as he'd hern tell of Old Nick's lookin' like an angel of light, he didn't know why wisey wersey moughtn't be the case, and that this chap might be a gardeen angel in a awful ugly war paint. Howsumever, next mornin' to the court-house he went, and sure enuff thar war his hansum customer; his case came on too, and a sweet one it war. The lawyer soon see it—'twarn't no manner of use tryin' to clar him, so he turned round to his man, handed him the fifty, and told him he couldn't do him no good.

"'No you don't,' says the beauty, 'no *you* don't. I hired you a purpose to lumber away for me, so now jest get up and lumber!'

"Seein' he couldn't help it, up jumped the lawyer, and begun; he went pretty much all over creation, and talked about mighty nigh everything, except the case, as he rayther reckoned the less said about it the better, and when he got done, wer entirely stumped up to hear the jury bring in 'Not guilty' without even leaving their box; but this wonderment didn't last long, fur when he and his friend went out 'to wood up,' he asked him how on earth the jury could clar him?

"'Why,' says the chap, 'eleven of them fellers has been indited fur cow-stealin', and t'other will be, afore court's over. I knew they wouldn't fasten me, but I had to get some one to make a show, and so I settled on you; and, to tell you the truth, I wer a leetle skeared the old ones that know'd me wouldn't hev nothin' to do with it.'

"But these sort of chaps don't allers get off so cheap, 'specially if they haven't got a pocketful of rocks to pay all hands. I wer travellin' once, and met a man I hadn't seen for a long time.

"'Hello!' says I, 'Bill, whar hev you been this coon's age?'

"'Why,' says he, 'Mr. Roberts, I'll tell yer jest how it happened. I went out one day to kill a beef, and afore I'd fairly got the critter skinned, up rode a man that claimed the brand. I told him it wer all a mistake, and that I wouldn't hev killed it ef I'd a knowed he wer so nigh; but this only made him madder yet, and so afore long the sheriff called on me, and told me I wer wanted very perticuler up to court. Well, I didn't like to disoblige, and so I went along with him; and when we got thar, they made me set down, and pretty soon a feller got up and begin to talk about me in a way that warn't flatterin' to my feelins at all. He seemed to hev took a prejudice agin me. After he'd done, the old chap that sot on a high bench had his say, and, dern him, he'd got a prejudice agin me too. When he'd got through, the jury had their turn, and hang my pictur, Mr. Roberts, ef *they* hadn't got a prejudice agin me!

"'Arter they'd all done, the sheriff and me went out into a sorter yard whar there wer a big tree, and I tell yer, Mr. Roberts, ef we didn't hev a hot time of it fur a few minits.

"'Now, Squire, who'd hev looked fur such treatment in a neck of the woods, whar no man ever eats his own beef unless he eats at a neighbor's? I thought it might hurt their feelins to see me agin, and so I wer took with a leavin' the same night. Ef you're likely to stay about here, I'd leetle rayther you'd say nothin' about it, as I wouldn't like to hev the folks I was raised among git a bad name.'"

CHAPTER XIX.

FEVER AND PHYSIC.

On the next morning we arose with the dawn, and—while our horses were getting their breakfast, and the good lady of the house preparing ours—proceeded to the river bank, to see what were the prospects of crossing the stream. The river is here confined between high banks, and although wide enough to be forded with perfect safety at the ordinary stage of water, was now running almost bank full, and evidently impassable. On the preceding day it had fallen several feet, and the ferrymen spoke quite favorably of our anticipated passage, but there had been a change of affairs, and it was evident that not only both forks of the San Jacinto, but also the lower tributaries, Cypress and Spring Creeks, must have lately received very large accessions to their currents.

This was annoying in the extreme, as the next ferry below was now certainly impracticable, for there the water was out upon a very extended visit to the bottom lands.

No route therefore remained for us but the lower ferry, and we must perforce ride twenty miles down the prairie to Lynchburg, then cross the main San Jacinto—or more correctly the head of the bay—and take the bayou road to Houston, which would give us a ride of fifty miles in the place of thirty, and a probable opportunity of swimming Vince's, Simm's, and Bray's bayous—if we could.

Our horses were luckily in fine condition, and before sunrise we were under way. Abandoning the slight trail that led down prairie, we kept near the timber, and upon higher and drier ground.

By 10 o'clock the river was crossed, and we were riding slowly along the edge of the celebrated battle-field of San Jacinto, the discussion of which I shall reserve for an after chapter.

Immediately opposite us, however, and upon the other side of the bayou, stood a pretty cottage, which is quite worthy of notice. It was once the residence of Lorenzo de Lavalla, and was then occupied by his widow. Lavalla was a Mexican of superior abilities, wealth, and distinguished position. His contempt for the stolid ignorance and disgraceful pusillanimity of his own people was only equalled by his admiration of the Americans; and when Santa Anna was opposed in his attempt at a military dictatorship, by Texas alone, Lavalla abandoned his estates and his people, and joined the Texans. He was elected the first Vice-President of the new Republic. His marriage with the lady who then occupied the cottage in question was romantic in the extreme.

Many years since he had been sent upon a foreign mission, and, upon his return, travelled over the United States, stopping some time at New York. His hotel was near the Battery, and he was in the habit of walking there every morning before breakfast. A young and very pretty American girl whom he met often, with two children under her charge, attracted his attention, and interested him so deeply, that, after ascertaining her character to be unexceptionable, and her modesty equal to her beauty, he raised her from her menial condition, placed her at school, gave her an accomplished education, and then married her.

As our day's journey was anything but romantic, it affords me much pleasure to have fallen in with this cottage just in the very nick of time, and thus add a grain of salt to a very vapid chapter.

Just about noon a heavy cloud, that had been hanging like a huge blanket over us, suddenly "let go all," and down it came upon our devoted heads. There was no rain about it. The waterfall did not last three minutes, but in that space of time we should—if it had been possible—have been soaked through twenty times. I certainly have never received so unpremeditated a ducking before or since.

As soon as the cloud had suspended payment, out came the sun, evidently in a rage at the unfair advantage that had been taken of his absence, and blazed away at such a rate that we were dried about as suddenly as we had been wetted. I felt a little qualmish, and had a mild headache and a slight chill, very soon after. These, at the time, did not amount to much, but a subsequent succession of headaches that were *not* mild, and chills that were anything but slight, caused me to remember that day's work for some time—in fact, as the reader will perceive, I have not forgotten it yet.

But why relate all the *désagrémens* of the day? Why tell how we splashed about on the prairie, or floundered in the "timber?" how we waded through extempore seas and swam streams that in ordinary times could not have afforded water enough to have given our horses a fair drink? Why tell how, when the day had departed, we barked ourselves against the trees, or how the dogs barked at us as at midnight we slowly ploughed our way through the mortar, that is supposed in Houston to represent the street pavement?

To judge from my early impressions, thus obtained, I should say that the city is quite a soft place, although many persons assert that it is a hard one.

We reined up—it was raining down then, by the way—at the "Old Capitol;" a commodious and sightly building, once occupied by the legislative wisdom of the nation, when in Congress assembled, but then converted into an excellent hotel, having been leased for that purpose by the proprietress, one of the most amiable, energetic, and intelligent women that I have ever known.

Houston, at the time of which I write, had just achieved the victory over Galveston, at least as far as business was concerned. Of the appearance of the thriving, bustling town, the least said the better, for a more forlorn-looking place, considering its pretensions, it has never been my fortune to visit, while its rival, on the contrary, is perhaps the most beautiful city, of its size, in the South.

On the morning succeeding our arrival, our horses exhibited unequivocal signs of overwork; in fact, they were completely used up, and, as my companions had some business to transact in town, we remained there all day—time enough for me to pick up two new jokes, at which everybody was laughing.

The great "Sam"—the "Chief," as he was often called—had lately been there, and being quite out of humor at something that one of his particular friends—Major E.—had said or done, he—the said "Sam"—took the liberty of calling him—the said Major—all the names in the calendar, behind his back.

As the little Major was extremely popular, and the great General quite the reverse, the opprobrious terms used by the latter soon reached the former's ears.

At first, he would not credit the report, but being finally convinced of its authenticity, set forth in quest of his calumniator, intent upon explanation or revenge. The General, however, was not to be found; probably he had an inkling of what was on foot, and kept himself *perdû* until the time came for the steamer to leave for Galveston, and upon her he took passage.

A few moments before she started, however, the Major, having a hint of the General's whereabouts, boarded the boat, and finding his customer holding forth in the cabin to a circle of admiring friends, boarded him also, with—

"General H., I am told you have abused me scandalously, and said 'so and so' about me. Is this true or not?"

The General looked upon the crowd around them, and seeing several who had heard his expressions, made up his mind that denial was in vain, and in a melancholy tone of voice replied to his querist:—

"Why, Billy, I always thought you were a friend of mine!"

"So I have been," answered Billy; "but I allow no man to abuse me."

"I *should* like to know, sir," thundered out the General, "if a man can't abuse his friends, who the d——l he can abuse?"

Billy was forced to join in the universal laugh, and so the matter ended.

At the time of which I write—and I sincerely hope it may be so now—among the men of mark in Houston was a certain stable-keeper and mail-contractor, named T.—one of the most jovial of human kind, and an inveterate practical joker.

As he had often taken off other persons, the "congestive fever," being probably in a jesting mood, took it in its head to take *him* off also; in fact, carried the joke almost as far as the graveyard, and would doubtless have completed it but for the active interference of the medical faculty. It was a "neck-and-neck" heat, between the disease and the diseased, until they rounded the last stretch and approached the distance pole, when an excellent constitution and a determined will, lifted the patient's head, and enabled him to win by a hand's breadth.

During his long illness, T. thought often and sadly of the dulness of the town, deprived of his exhilarating fun for so long a time; he lamented sincerely the impossibility of carrying into effect the countless admirable jests that his fever-heated brain engendered, but finally determined to make amends by concentrating his powers upon one monster joke, to be perpetrated as soon as he might again be fairly upon his own legs, and out of the doctor's hands.

At last T. was able to mount his horse again, and on a very sultry day he took it in his head that a ride up the bayou would materially benefit his health.

A short time previous to this excursion, the attempted robbery of a house of rather ill-repute, not far from Houston, had caused no little excitement in town. A woman had fired from a window upon the robbers, who immediately fled—one of them at least badly wounded. Many efforts were made to discover the ruffians, but without success, and after being for three days the town's talk, some newer wonder banished the affair from the minds of all, except perhaps that of the woman who fired the shot, and of the man who received lead when he expected gold. Here was a theme for a joker, and he determined to improve it.

About ten o'clock, he came dashing back through the main street, the mud flying from his horse's hoofs in every direction, rode up to the office of the coroner, and presented himself to that gentleman with a face of extraordinary longitude, and a very shocking story indeed. In the bayou, entangled among some brush, he had seen the body of a man, who had evidently died a violent death, and was, beyond doubt, the remains of the above mentioned robber.

As the bayou was then running very swiftly, it was necessary that the coroner should make haste, for fear the body might be floated off, and carried down stream, and while the officer was preparing for his excursion, T. volunteered to select and summon a jury.

Among the Houston merchants, there were quite a number of short dumpy men, of unusual abdominal and fundamental development, and so nearly of a size and age were they, that the appearance of three or four of them together was truly ludicrous. From this comfortable-looking set T. selected his jury ; and as he and the coroner were precisely of the same pattern, the whole array looked as much alike as peas from the same pod. In all his hurry and running about to find the right men, T. had not neglected to inform his friends and the public generally, that exactly at twelve a sight would be seen in the main street that would be worth riding a dozen miles to behold, and precisely as the clock tolled the hour, fourteen peculiarly pinguid individuals—guide, coroner, and the twelve jurymen—were plainly visible marching along in "Indian file" on foot, and picking their way through the mud in the middle of the street, each man armed with a huge bandanna, wiping off the fast gathering drops from a countenance whose lugubrious expression contrasted singularly enough with a funny rolling gait, and a jolly rotundity of person. T. led them up the bayou, inspecting it every few minutes, but unable to find the spot or the body, until they had travelled some three miles, and then, declaring that the accomplice of the man must have found and concealed him, back he led them again.

As weary, draggled, dispirited, and almost melted, they tramped through the street on their return, a prolonged shout from at least one half of the citizens, who had assembled to see the spectacle, greeted them. It was understood not to be the thing to take offence at anything T. said or did, and so they did not take his hide off, but went peaceably to their several homes, covered with mud, if not with glory.

As for the immortal joker himself, besides the meed of an approving conscience, and the general roar of the community, he was rewarded that very night with a relapse, and ran quite as narrow a chance for his life as he did before.

This strange procession is known to this day as T.'s parade.

But to resume my own story. After a day's delay at Houston, we again set forth for Malden, and the third sunset beheld us crossing a little gem of a prairie, while immediately before us arose a beautiful wooded slope. Turning a short corner in the road, and passing a thick cluster of trees, we came, very unexpectedly to me, plump upon the important town of Malden.

At the end of the street stood, first, two shingle-covered edifices, facing each other, the one perhaps twelve feet square, and the other ten feet by twenty, the one a "confectionery"—"confectionery" means whiskey in Texas—the other a "general store;" then on alternate sides again two small log-pens—the one a lawyer's office, the other another "confectionery" or "grocery;" then on the left a little box of a frame-house—this was the jeweller's shop, where the gold-headed canes, that all Southerners, young and old, delight to carry, were manufactured; further on, another general store, and staring this right in the face, yet another. Then came the town-pump, and the county clerk's office, and on the other side, the court-house itself and the district-clerk's office. All of these buildings were of a dull slate color, that told of age and exposure, except the first and last store, on which the new pine clapboards glistened quite brilliantly.

A road crossed the main street, separating the legal buildings from the others, and upon it at some distance were two rambling hotels, one story each, and a blacksmith's shop, while on a back road, or "street," as they called it, stood two very comfortable dwelling-houses. These completed the "town," and the town, exactly as it stood, was a very fair sample of all the county towns that I have seen in Texas, except perhaps that it presented a rather more imposing appearance than the majority.

We were now in the cotton region, where goods were sold at extravagant prices on long credit, and the "groceries" disposed of their liquids at a "picayune"—the correct orthography is "picallion"—a glass, for cash down, and a bit (just double) for credit. I am happy to inform all advocates for the credit system that ninety-nine glasses out of each hundred were charged, not only with liquor, but also with the pen.

Having some time after, an opportunity of inspecting one of the journals—true "double" entry—I was very much struck with the original mode in which the young gentleman who was "clerking it" in the establishment, managed his spelling, as for example :—

MOLDN, GENEWERRE 1, 184*.

KUNLE RODS :—

1 Gug of Wiske	$2 00
1 Dee Keerds	1 00
	$3 00

Whether Colonel Rhoads ever paid three dollars for his jug of whiskey and deck (pack) of cards, I could not find out.

After examining some records, and giving me minute instructions as to my business, my friend, the Colonel, departed for Montgomery, in quest of an all important witness, and soon after, Mr. Roberts, after having told I know not how many of his peculiar stories, left also. The slight chill that I had experienced on the day of my sudden ducking, returned on every succeeding one with increased violence, and at the end of a week, I found myself fairly in for a sharp attack of fever. Calomel, rhubarb, senna, castor-oil combined with spirits of turpentine, Cook's pills, quinine, and sundry other such dainties, were liberally administered. I was a most intractable patient; the moment that the violence of the fever commenced to abate, up would I jump, bathe head, breast, wrists, and ankles with cold water, and then—my little strength being exhausted—down would I drop again, pull out a book from beneath my pillow, and read as well as I could.

When the shades began to lengthen, I had my horse brought up, and, being placed upon his back, walked him a mile or so. The Doctor remonstrated, and my kind landlady scolded, but I persisted.

At last, my fever was broken, and on the third day after, off went I "a fishing." I returned with a violent pain across my forehead, that almost drove me mad.

This recurred again on the next day, at the same hour that the fever had been accustomed to call. Quinine was again administered, and the enemy again routed, but only routed to return again in a new form.

Its next appearance was in a line running through temple, ear, and jaw, and when once more driven from the field, it yet returned to the charge for the fourth time, and made a violent assault upon the back of my head. I conquered this at last, and now thought my troubles over. Mistaken mortal; they had but commenced. All that I had suffered was but the overture to the fever-and-ague, which now set in in due form. For two months I rang the changes upon opium, morphine, quinine, laudanum, cinchona, myrtle-tea, red-pepper, cold-baths, hard riding during the chill, chopping wood ditto ditto, strong coffee, brandy, and port wine.

At last, giving up all hope of any permanent relief from the doctors, I commenced experimenting upon myself, and at last effected a cure, although it came very near finishing patient and disease at one blow.

When I was able to get about, I had my hands full. The term of the court was near at hand, Roberts sick at home, the Colonel off in the West in search of a man who had joined the party in pursuit of Gen. Wool's (the Mexican) army that last fall invaded the country as far as San Antone; our leading counsel, who should have been in Malden ere this, did not appear, and at last, in despair of seeing him, I despatched a messenger for Judge Ormsby, a distinguished lawyer of Eastern Texas, who, I had heard, was attending the court in the next county.

A week rolled by; my messenger did not return, the Judge had not replied in any way; the Saturday before the term came and went, but no lawyer; the Sunday was almost enrolled among the things that were, and the sun was just disappearing behind the old woods, when, to my great delight, up rode the Judge.

On Monday commenced the term; but this saturnalia of the backwoods must have a new pen and a new chapter.

CHAPTER XX.

TERM-TIME IN THE BACKWOODS, AND A MESTANG COURT.

Lawyers, scenting prey afar,
Hasten to the scene of war;
Gamblers, parsons, culprits, clients,
Fat men, lean men, dwarfs, and giants;
Buckskin shirts and broadcloth coats;
Bare feet, moccasins, and boots;
Dress of every, and no fashion;
Men from all parts of creation,
Until the town is all alive,
And swarming, seems a human hive.

IF any one would see the backwoods' character in perfection, let him visit some frontier county town during "court week." One may ride through and through a thickly-settled county, from north to south, and from east to west, until he delusively imagines he has seen every face in it, and that he can count the settlers. But let him be in "town" on the first day of court, and he will soon find how much deceived he has been with regard to the population. He will see them pouring in from every imaginable direction, by every possible road, and some that appear decidedly impossible; wagon roads, main roads, "cow trails," and "blazes," all alive, and with a truly heterogeneous mass. The lawyers from the other counties, who, scenting the spoil afar off, have just dropped in for their share; district attorneys and state attorneys, judges and jurymen, criminals and witnesses, parsons and gamblers, horse-jockeys and hard-fisted planters;

peripatetic pie and gingerbread venders, who come with the intent of establishing an extemporaneous hotel, spreading their table under the trees, and cooking their "chicken fixin's," *al fresco*—all swell the throng, and fill up the "town," even to overflowing.

For the time being, not only every house in the village is filled, but the country for miles around is laid under contribution to provide the crowd with food and shelter.

During the day the streets resemble the purlieus of a bee-hive, when something unusual has excited its noisy little inmates; but at night they are again emptied, the lawyers herding together for a frolic, a game of poker, or to ponder over some knotty point; the jovial gentry, who came for the fun of it, either gone home, or far past going anywhere, and everything quiet except at the "groceries," which are usually filled with a jolly set, imbibing "old corn," or indulging in a little "faro" in the back room.

The dress of the *dramatis personæ* differs as widely as the persons. Here is a gentleman in broadcloth, with his invariable accompaniment, the gold-headed cane, taking a friendly drink with that rough-looking customer in the buckskin hunting shirt, or perhaps unprovided with the latter article.

There comes a fellow, whooping and yelling down the street on a scrub of a mestang. "Captain Whiskey" has taken him in charge certainly; but see, he stops, jumps from his horse, and salutes that grave and quiet-looking gentleman, who might pass for a judge or a clergyman, with a slap on the back, and—"Hello, old hoss, whar hev you been this coon's age?" and *they* go in to "wood up."

The people seem to look upon law as a species of amusement, and to regard "court week" in something of the light that the Down-Easter does the "General Training." The most petty cases, even in the Justice's Court, are ushered in with a formality, and conducted with an earnestness which is but little in keeping with the amount at stake. Some years since a very sensible and worthy Yankee—a physician—having been elected "Justice," was, in a few days after he had been properly qualified for the office, called upon to decide in a weighty matter, probably involving the value of five dollars. At nine in the morning the Doctor made his appearance, and shortly after the rival attorneys followed suit, each loaded down with books, as if they were about to engage in some such momentous affair as the suit of Mrs. Gaines, or the heirs of Anike Jans.

"For heaven's sake, gentlemen," exclaimed the alarmed magistrate, "you do not expect to read them through to me! If you do, I shall tell you once for all, that I am appointed, not to judge of nice points of law, but to give my decisions according to the simple dictates of justice and common sense; and if you do not like *that*, you can take your case out of *my* shop, and carry it up."

To work, the opposing counsel went, and despite the deprecatory prayer of the afflicted magistrate, read page after page, hurled point after point, precedent after precedent, Coke upon Littleton, and Littleton upon somebody else, on his devoted head; until, perfectly bewildered, he allowed them to have their own way.

As usual, the "court" adjourned for dinner; and after dinner, at it they went again until dark, and the case was then put over until the morrow. After the adjournment, and before leaving the house, Dr. —— turned to Mr. ——, the longer-winded of the two pettifoggers, and said:—

"Mr. —— I have heard you with patience, and have wasted one entire day about this trifling case. If *your* time is worth nothing, *mine* is, and I shall come here to-morrow at nine to give you my decision. If you can possibly have any more to say, you must say it within one hour after my arrival, or you can settle the affair between yourselves, as you best may."

Mr. —— assured the Doctor that he would conclude in a few words, and they parted for the night.

At the appointed time the Doctor arrived on horseback, hitched his horse, went in, took his seat, and, as he did so, pulled out his watch and laid it upon the table before him.

The case re-commenced, and —— again went on with his interminable argument. After listening for an hour, the Doctor very quietly put his watch in his pocket, left the room, mounted his horse, and rode off upon his business, leaving Mr. —— continuing his harangue, and supposing the Doctor's absence would be but temporary. How long he continued I know not, but it was long a standing joke against him; and it is said the Doctor was bored with no more tedious trials.

To the town, where—for the time being—the district court is in session, flock all the petty gamblers of the adjoining county. As a general thing, they are men of very small capital indeed. In fact, of the dozen or more of these "*chevaliers d'industrie,*" who are always to be found upon such occasions, it is very seldom that more than one of them possesses enough of the *res pecuniæ* to commence business, with a very moderate *Faro Bank.* Around the bank, when opened, the remainder of the gang cling, until a run of luck shall have made some one of them master of the funds, and broken the pro tem. banker.

The *then* holder of their very circulating medium, now commences business himself, and continues until tripped up in the same manner as his predecessor, and the game continues to be played day after day, and week after week, reminding one—for all the world—of a flock of hens pursuing the fortunate finder of a kernel of corn, chasing her until she drops it; and then—the loser joining with her compeers in the chase—all hands start after the finder, until the disputed article is usually lost; whereas, had they all attended to their legitimate business, each might have found a kernel of her own.

The "picayune gambler," as he is there called, usually owns a horse and *rigging*, and a floating capital of from fifty cents to one hundred dollars. The horse is his last resource, and only staked when affairs become desperate indeed; when lost, the quondam owner is said to be *flat broke* or *flat footed*, and must beg, borrow, or steal, for a *stake*.

As they never work, and are always hanging about the taverns and groceries, it is rather astonishing how they contrive to subsist; but subsist they do, and as each clique about every little town seems to have just a certain amount of money, I imagine that stray pigeons are found in sufficient numbers, from time to time, whose plucking serves to keep their expenses from eating up their capital.

The quiet inhabitants do not dare to interfere with the clan openly, but on the contrary, prefer keeping up some pretence of good fellowship with them; and all attempts to uproot them by law have entirely failed.

One of the principal amusements of the bar during these sessions of the court, is to assemble in some sufficiently capacious room, and after indulging in all the boyish games that occur to them, to institute mock proceedings against some one of their number, for some ridiculous, imaginary offence.

One of these "circuit evenings" is very green in my memory—and I do not ever remember to have laughed so long or so heartily before or since, as I did then, at seeing the wisest and most intelligent men in the country entering with perfectly childish enjoyment and *abandon*, into childish jokes and childish games.

The scene was a log hut, containing one room and some dozen beds, upon which, lying, sitting, or in an intermediate posture, were at least thirty members of the courts.

After playing "Simon," "What is my Thought Like?" and a dozen similar games, one of the company arose and announced in a most funereal tone that a member of the bar had—he deeply and sincerely regretted to state—been guilty of a most aggravated offence against decency, and the dignity of his profession, and he therefore moved that a Judge be appointed and the case regularly inquired into.

By an unanimous vote, Judge G.—the fattest and funniest of the assembly—was elected to the bench, and the "Mestang" or "Kangaroo Court" regularly organized. Impossible as it would be for any one to convey to the reader a correct idea of the ludicrous and supremely ridiculous scene which ensued, I will yet attempt it.

The Judge opened the court something in this wise:—

"Gentlemen of the Bar, Jury, Witnesses, Criminals, and

Constables, Clerks of the Court, and Prosecuting Attorneys—It has been a source of deep regret to me and doubtless to many of you, that our bar—of the grocery, I mean—has of late fallen into disuse, owing to the criminal want of criminal fines properly imposed, whereby the pockets of the bar-tenders, and throats of our honorable body have suffered an unprecedented dryness.

"It therefore behoves us all, acting in our several capacities, to do our duty most strictly in this matter. Suffering no criminal to go unpunished—no innocent accused, to escape conviction, but each one striving for the common end, heap up fines to be liquidated in liquors at the bar, payable in a circulating medium, whose circulation has not been above medium in these latter days—and thus evade the deep and heavy mantle of disgrace which is fast settling around our once honored shoulders.

"The case about to be submitted to you is one of an extraordinary and atrocious character—"

SPECTATOR. "Had not your honor better appoint a jury before proceeding to trial?"

JUDGE. "Silence, sir; do you dare instruct the court? Mr. Sheriff, I fine this person 'whiskey straight' for contempt of court, and do you attend to the collection."

SECOND SPECTATOR. "Please your honor, no sheriff has yet been nominated."

JUDGE. "Thomas Jones, you are hereby appointed the High Sheriff of this, our honorable court, and will collect of the contumacious individual who last volunteered his knowledge, a treat all around, as soon as I shall have administered the customary oaths of office. Stand up, sir, take off your coat—now. You, Thomas Jones, in the presence of this hon. body, do most distinctly affirm that you will perform the duties of your onerous office in a worthy and dignified manner; that when sent after a criminal you will never return a 'non est comeatibus;' but in default of the guilty party, pick up the first man you can lay hands on; that when sent to the grocery to collect a fine, you will not drink more than half the liquor on your homeward path, that you will never fob any change, without handing over one half the net proceeds to the court—all this you promise truly and faithfully to perform, as you fear your wife, and love brandy and water."

SHERIFF (*looking around and speaking hesitatingly*). "If —any—gentleman—will—hold—will hold my hat, while I take a swear—"

JUDGE. "No you don't, sir, no swearing here, or I'll fine you—your word is as good as your bond, and neither of them worth a copper. Select a jury, sir."

The jury being properly selected, his honor proceeded to address them:—

JUDGE. "Gentlemen of the Jury—the case about to be presented to you, as I have before remarked, is one of an extraordinary and atrocious character. One who has hitherto concealed his crime beneath the exterior of respectable age, is now to be stripped of the cloak that has so long shrouded him from a prying world. Mr. Sheriff, trot out the individual."

The sheriff here produced the youngest, most correctly attired, and by far the finest looking member present.

JUDGE. "Ah, well, not so old after all, but, gentlemen, it makes no difference, he *will* be, should he live long enough. Who appears upon the part of the Republic? Mr. Clerk, read the indictment:"—

THE INDICTMENT.

The Mestang Republic.

Kangaroo, to wit :—At the special court of Kangaroo county, begun and holden in the very extensive city of Kangaroo, to wit: One old shed for a court-house, two taverns such as they are, one blacksmith shop, with a post-office attachment, six groceries which we mean to leave as dry as an old maid's lips, five banks (faro), and nothing else: on the last Tuesday of pea time, and Anno Domini—not a soul of us can distinctly remember, having very lately dined, although the last is of very little consequence:

The Jurors for the Mestang Republic on their oaths, present that John Smith, of no particular place, calling himself a gentleman, although no one believes him, did, somewhere in the vicinity of the last "cotton scraping time," there or thereabouts, and not much matter when, so he did it—with sticks, stones, guns and pistols, and a pair of instruments called, known, and described, in vulgar parlance—"lips," being the labial protuberances of the human face divine [Any one, however, who might call the said John Smith's face divine, if not quite a fool, must at least be six degrees the other side of idiocy], inflict upon the right cheek of a certain juvenile female colored person, of the age of seventy—there or thereabouts, known to the community in general, as Polly, a kiss of about the size of a dollar, or perhaps a dollar and a half, or perhaps two dollars, thereby injuring the feelings, compromising the character, and undermining the health of the said "Polly," occasioning an explosion, which disturbed the slumbers of many citizens who were then enjoying a siesta, intruding upon the majesty of this republic, and reflecting upon the dignity of a profession, of which, however, the least said the better.

And the jurors aforesaid do further present that they could add any given number of counts to this indictment, but as it would consume some time, the Court will suppose anything found against the said Smith which the said Court may please.

Thomas Jenkins, *Foreman of the Grand Jury.*
William Brown, *Attorney General.*

The testimony upon the part of the prosecution was upon a par with the indictment. One witness swearing that he saw the woman Polly emerge from the prisoner's room with a large white spot upon her cheek; another, that aroused by a terrific explosion, he saw Polly rushing out; a third, that Polly had applied to him for a plaster to draw "the fire" from the wound; and several testified to the excessively delicate condition of the sufferer's health since the sad accident.

After a flaming speech by the prosecuting attorney, the prisoner, being called upon for his defence, arose and replied as follows:—

"*Gentlemen of the Jury*:—Suddenly arrested in the midst of a career of usefulness, honor, and happiness; charged with an ignominious crime, it is to me a source of most heartfelt gratification, that I am to appear before a body of men of so much intelligence, so highly favored by nature, with noble forms, and expressive countenances, and endowed by the faithful Schneider's art with such unexceptionable vestments.

"The prosecuting Attorney, he, of the petrified heart and revolting phiz, flatters himself that he has macadamized the road which will conduct me to the silent tomb; which, gentlemen, he is full well aware would be *my* tenement, should your fateful voices not declare me free from spot or stain.

"He has magnetized a rope of sand, and bound me with it; but see, how with one touch of the wand of Truth, potent as Ithuriel's spear, it shall fall asunder.

Brought up in my earlier days by a father and mother, I soon was taught

Since innocence is bliss, 'tis the height of folly to do any otherwise,

and have continued to increase in virtue and in size, until a few short years past, when finding my full perfectness attained, I shut down, and have done no more in that line since.

"This, gentlemen, is the first rude blight that has fallen upon my budding fame; the first cloud that has darkened my brilliant horizon of future promise, but *that* cloud shall be swept away by the breath of your all potent voice. My sun shall shine again in your smiles; the bud refreshed by my fast falling, falling tears (*applying a handkerchief to his eyes*), shall rejuvenate to its primeval lustre."

SPECTATOR (*interrupting*). "T'wont, salt water aint good for plants."

PRISONER (*resuming*). "Silence, Sir, and pity the sorrows of a poor young man. Gentlemen, on that sad day upon which I am charged with the commission of so heinous an offence, having partaken with you of a full, but not sumptuous dinner, I retired to my accustomed room to recuperate wearied nature with a restorative siesta.

"My waking senses lapsed soon into forgetfulness. I had been thinking, I remember, of our hope for annexation, and busy imagination pictured me to myself, as wrapped to sleep in the folds of the star-spangled banner, while the Eagle of Freedom, with slow-moving wings, fanned my moist, but burning brow. I walked in Elysium, in the vale of Tempe, rare flowers were blooming around me, filling the eye with beauty, and the air with fragrance. Birds of gorgeous plumage flitted to and fro, or rested upon some flower-clad tree, and breathed forth their delicious notes. Fat turkeys that I had *not* dined upon, were swimming before me in a duck pond of cranberry sauce, and gobbling ferociously at a particularly tough and dyspeptic piece of hung beef upon which I *had*.

"A change came over the spirit of my dream, the heavens were clothed with black, a peal of thunder burst upon my ear, and rolled in terrific grandeur, echoing from crag to crag. I sprang up in affright, and, behold, it was Judge G., saluting my washerwoman. The sufferer, taken at surprise by the rude assault, rushed from the apartment. The culprit quaked with fear, waddled towards the bed, and ducked under it, to hide his diminished head. A companion who had been dozing—joint occupant with me of my bed, assisted me, and we finally, *vi et armis*—"

JUDGE. "No *Choctaw*, Sir—use plain English."

PRISONER. "Well, then, by main force, we drew him from his position, and having lectured him with tears in our eyes, bade him go and sin no more. I now call upon Tobias Wilkins to prove the truth of my statement."

I shall not recapitulate the testimony of Wilkins, which corroborated the prisoner's assertion. After another speech or two, the Judge charged the jury, bearing down upon the prisoner ferociously, and ordering them to give him the benefit of the most severe sentence in their power. The jury, after a moment's whispered consultation, announced by the Foreman that they had found a verdict.

Judge. "What say you, gentlemen? Guilty, or not guilty?"

Foreman. "We wish to inquire of your Honor, whether Polly is in a state of single blessedness, or a legalized sticking plaster to the side of some respectable colored gentleman."

Judge. "Married, I believe; although I cannot imagine what that has to do with the case."

Foreman. "We then find your Honor, Judge G., to be guilty of *piracy* upon the *high seize*, having plundered a smack, and of *counterfeiting*, for your portable imitation of Thunder. You will, therefore, please put your old fur cap upon your head, and sentence *yourself* to pay for all the fluids at the bar, to which we are about to adjourn, the *District Attorney* to find the necessary cigars, and the *informer* the catables."

CHAPTER XXI.

DIAMOND CUT DIAMOND—STOCKING THE CARDS.

If the recital of the mock trial should amuse my readers one half as much as the performance did me, I shall be well repaid for recording it. Ormsby and I, however, had but little time to spend in amusing ourselves. We had not a single witness; the lawyer who undertook the case, in all its bearings, was absent; some very important documents, which the colonel was to have sent us from Austin, had not yet arrived; and as Ormsby—who was an adept at the game of "Poker," expressed it—"we held a 'straight,' and were obliged to see our adversaries 'blind.'"

"Never mind my boy, though," said he, "we've just the hand to 'brag' on, and if I dont 'bluff' these chaps off, it shant be for want of brass; if they floor *us* we can but lose the ante, call for a new 'deck,' and begin *de novo*."

No business of importance was transacted on Monday. The court was opened in due form; the Grand Jury sworn, charged, and set to work, and that was about all. Ormsby was here and there and everywhere; and the only thing satisfactory that I could get from him was a promise that he would be disengaged, and in my room, during the evening; and a request to keep as quiet as possible and let him play his own game.

After supper he made his appearance, accompanied by the Sheriff and District Attorney. It was some time before anything but the ordinary topics of the day were discussed. At last, Ormsby turned to the Sheriff with the remark,

"Come, Mr. Sheriff, you must help us in this matter."

"Why, Judge," replied the Sheriff, "I don't know about interfering in any way; it's not exactly the thing, and might get me into trouble."

"Not a bit of it, sir," returned Ormsby; "you know well enough that the principals, and most of the witnesses on the other side, belong to this clan, that you, and I, and our friend, Mr. District Attorney, have been trying for a long time to unearth; and, if necessary, I shall make a formal call upon you for your assistance, and any information you may possess in the premises."

"You will be perfectly safe, Sheriff," added the District Attorney, "in opening your budget. And I join with my friend and superior, the Judge, in demanding, or requesting to know all that you can tell us of this matter, of Henkins against Ting and others. I wish to know particularly if, among the witnesses, there be not some against whom I have indictments. So please make a clean breast of it at once."

"Well, gentlemen," returned the Sheriff, "if you put it upon that score I must comply, although perhaps I had better keep some of my information for the Grand Jury."

"No, sir, you don't," answered Ormsby. "Time enough for the Grand Jury yet; we must deliberate and act with extreme caution in this matter. Now cut this matter as short as may be, for time is money, and a heap of it too, with us this night."

"Well, Mr. Judge, or, perhaps I had better say Mr. Attorney General—for I prefer just now to consider you in that light—I do believe, upon my word, that this case of Henkins is one mass of rascality from beginning to the end ; and if it were not so, the colonel's chance would not be worth the price of a summons. They have a clear title, approved by the board, while the colonel only *claims* to have made the original survey, and deposited the proper documents in the surveyor's office with a deputy who died, disappeared, or took himself off—the last is the most likely—immediately after ; and to have occupied and improved the land, but only when all question had apparently been settled by the commissioners. Now, as I said, he only *claims* these grounds for a title ; he can't *prove* them ; he has not as yet been able to bring in a single witness to establish the survey, or the fact of depositing his papers in the office ; his papers, even if not destroyed, are in the hands of his enemies, and some of them, at least, made over to that scamp Horseley. What then is the reason that Henkins' lawyers don't force the case on, and get a decision ? Because they know the rottenness of their foundation, and the bad metal of the tools with which they work. They can't get Horseley to come up to the rack ; he has a wholesome fear of the colonel's drawing a bead upon him ; and then your people have been rummaging, and poking, and working in the dark so much, that they fear, when they get their witnesses on the stand, you will trip up their heels somehow, and get a hold upon the jury, who we all know, in such cases, care little for points of law or a judge's charge.

"I have just received information of an accident that helps your case mightily. Mr. P., your counsel, that was to have arranged and managed this case, was riding in a gig with Muggridge—Henkins' great gun—in Galveston, the other day, when their heads being too light or bodies too heavy, the horse starts, mashes up, upsets, or breaks down the gig, and nearly breaks up the gentlemen at the same time. They are certainly fixed for slow travelling for a month to come. Muggridge's partner, Small, is a capital lawyer, but wants nerve, and is never to be trusted alone. With his senior at his elbow he can get along swimmingly; but let him be left alone, and have anything unexpected turn up, and he lets go all and breaks right down; so you see by the upset, they have lost their best man, and you have gained our friend, the Judge, who, in this case, is worth a heap of such very learned lawyers as your man is. Small don't know a word about his partner's fix, and he shan't, till to-morrow; and you must take advantage of the flurry he will be in when he finds the case *will* come on, and his general *wont*. They have got record testimony enough, in all conscience, and a set of scamps for witnesses; but they rely principally upon a no-account whelp who, it seems, was one of the colonel's surveying party, and I imagine, has been bribed and trained to swear just what they want. His name is Whitely, and he is a kind of hanger on of the judge's old friend, Sol Wilgus. If they can keep him sober, they can do anything they please with him, but if he gets a little over the bay, the d—l himself couldn't handle him. Sol has him in charge, and is to keep him straight; but Sol can't keep away from "the tiger" (the game of Faro), that is spreading out his claws at Budd's grocery, in the back room, and Whitely is staked out at old man Jepp's, out here a couple of miles. If any one can manage Sol, the judge can. There, you have all the items I can give you, and you must make the most of it. Good night, and keep dark."

"A pretty good hand," said the judge, as the door closes behind our two friends; "a pretty good hand if well played. P——, lend me all the money you have; my purse is better lined than usual, but I may want more. You must stay here; get things fixed up snug—a deck of cards and a bottle of brandy—and I will be back with Sol Wilgus before long. Keep cool and don't get nervous." And off he went.

This Wilgus, upon whom the judge depended so much, was, as my quizzical friend termed him, one of the "d—l's unaccountables." Too lazy to work, too fond of petty jockeying to be honest, full of rude wit and practical jokes, too powerful and courageous a man to be quarrelled with, and too good-humored to quarrel, never committing any act of violence or descending to theft; but, as he said, "just getting an easy living as he went along;" he was looked upon as a necessary evil, and a very amusing one at that. Whenever he honored the town with his presence, and located himself, pro tem., in an easy attitude upon the piazza of one of the groceries, cracking his jokes and telling his stories, a crowd would always gather around him; and among them were many who had better have been better employed.

In about an hour Ormsby arrived with Sol in tow, both in great good humor and as merry as could be.

"Three cheers for my system of practice," said the judge, as he entered. "I can beat my sub all to sticks at breaking up faro-banks. I've broke Budd's, and shut up his 'tiger' for this night at least."

"Might' apt," chimed in Sol. "The Judge 's *some*, I tell ye,. and this child was a commin' it, too, right on his trail, ondly I couldn't bark quite so peart. Dog-on-my cat ef we wern't ater that tiger with a sharp stick, Mr. P."

"Glad to hear it, Sol," said I, "but you must need wetting down after such warm work; there's some brandy and water on the table."

"I'm thar," replied Sol, "but don't mind the water. I'm powerful fond on't, but likes it best outside. Come, Judge, here's to them paws with the claws drawed out."

"I think you must have a big enough pile to start a menagerie on your own account," replied the Judge.

"A young one, prehaps, Judge; some one must do it, that's shua," said Sol; "ef they don't, what 'll the grand jury, and your leftenant, the persecutin atterney, do for gamblin' cases? But ef I'm to open a game, I recken I'd best not take that small hand of poker with you. Thar's Mr. P——, now, I could take out his eye-teeth and he wouldn't know it; but, dern my skin, ef fancy playin's any whar longside of you."

"Well, well, Sol, don't be alarmed. No need of a game. Sit down and let's have a chat upon matters and things," answered Ormsby. "How is your friend that you have staked out for the night at old Jepp's?"

"Thar, I'd a sworn it; you didn't give me an invite up here to take a horn for nothin. You're one of em. I allers said it, and I'll stick to it. Come, open pan and out with it; ef I kin do anythin, say it, and Sol's the child for the game. Many's the foul snap you've see me clar of, and many's the time you've let me up when them all-fired grand jury doins got me down, and Sol don't forget. Spit it out, and ef it's anything but work, jest say, it's done," was Sol's reply.

"How much does Small pay you for mounting guard over Wilgus, and leaving him out on the prairie while you are playing with the tiger?" inquired Ormsby.

"Dern his skin, the no 'count ornary pup," replied Sol. "I got broke, and hunted him up to get an X, and don't you think, the jo-fired mean whelp wouldn't stake me, but read me a lecter about the keerds, and tho' I teld him I'd got Wilgus comfetable tight and safe in bed, and wer gwine to fotch him up to the stand in the mornin', bright as one of them half dollars they say old Henkins makes down to Dickinson's Bayou, he ripped and tore so, that I had to make out I were a startin' fer Jepp's. He made his threats too, and ef I don't come out even with him afore it's done, jest say Sol Wilgus is gone under."

"Sol," said Ormsby, in a quiet and impressive manner, "just cool off and listen. I want to tell you a story. Some time ago—no matter when—but before poor Jack was appointed Judge, he had a very tough case to manage. His client was a straightforward, honest man, just like Colonel Ting; and the other side was nothing but rascality, but Rascality had plenty of witnesses, cocked and primed, to swear to anything, and what was worse, Rascality had stolen all of Honesty's testimony—record and parole—hid his papers, and drove off his men.

"Jack wanted to get the case put over, but was afraid that he could not, and so he set his wits to work, to tip over his neighbor's crib, as he couldn't get any corn into his own. Mr. Rascality's main witness was a fellow that could not be trusted except when he was sober, and so he was put under the charge of a very worthy and honest scamp, that got his living by playing faro, and poker, jockeying horses, and betting on quarter races, and making very respectable men laugh at his queer capers, and help him out of scrapes when they should have helped him into the county jail—if there had only been one." Here the Judge looked very knowingly at Sol, who hit me a sly poke in the side, acknowledged the Judge's glance with an expressive wink, helped himself liberally to the contents of the bottle, offered it to the narrator, was not refused, and then settled himself down gravely to hear and comprehend the rest of the tale.

"Mr. Rascality's lawyers did not know that Jack was engaged on the other side, or they would not have chosen the chap they did. Jack knew that his man could not stay on duty as long as there was a faro bank agoing in the town, and so he went to the grocery where the game was on foot to find him, and then sat down and broke the bank, so as to get him away; took him home, told him a story that any fool could understand—it won't do to speak too plain in these matters—played a game of poker, and lost twenty dollars very foolishly—"

"And the witness didn't make a show next mornin', I reckon," interrupted Sol.

"Yes, but he did though," resumed the Judge, "and a very pretty show too; somehow his brain had got a twist, and his tongue also. He had forgotten which side he was on, and Mr. Rascality's lawyer had to withdraw his case in a hurry."

"I don't believe a word about that's happenin'," said Sol, "yet it mought, tho', and mighty apt too. Jack was smart, but it warn't him."

"Never mind who it was," answered Ormsby, "it did happen, and may happen again, for all I know. Come, Sol, that game of poker."

"Oh, let the poker slide, Judge," replied Sol; "some other time, when I want a stake, or get into a scrape, I'll make a call. I must go and look after *my* man. Good night, gentle*men*. Forgot which side he was on, eh? Well, that's some."

"Mr. Ormsby," I inquired, when Sol had retreated out of ear-shot, "can we trust him?"

"Trust him! yes. Little he cares for Ting or Henkins, but he identifies me with the case, and would as soon join the Mexicans as betray us," said the Judge. "Come, to bed, we shall have to stir betimes in the morning."

CHAPTER XXII.

A GAME OF BRAG—UNCLE BILLY'S OPINION ABOUT "GOING OFF HALF COCKED."

THE day, big with the fate of Roberts and of Ting, dawned at last. My breakfast was a slight one, but Ormsby did not allow the critical position of his client's case to interfere with the filling of his own. He seemed, in fact, in as great a glee as a schoolboy while witnessing the successful prosecution of some piece of cunning mischief that he had devised.

Ten o'clock arrived; the sheriff had bawled out the necessary "O Yes" three times, and the court was opened. The Judge was seated in his throne of state—an old kitchen chair, bottomed with oak splints—upon a rude kind of daïs at the further end of the room, and behind a rickety desk that might once have graced a district school. Beneath the dignitary, in a similar chair and before a small pine table, sat the clerk; and ranged around the room, or placed across it, were sundry benches, all filled with spectators, clients, witnesses, and lawyers. For the latter's especial benefit, two strips of unplaned boards, supported upon saw-horses, had been improvised.

Ormsby gave me an elbow hint to look at Small, who was evidently in a fidget, and just as my glance fell upon him, he was opening a letter that had been presented by the sheriff. He frowned, muttered something, and crumpling up the paper, thrust it in his pocket.

At this moment the case was called up.

"Who appears for the plaintiff in this ejectment suit?" inquired the Judge.

"I do, your honor," replied Small; "but I am sorry to say that Mr. Muggridge, who is with me in it, has been seriously injured—as I have just learned—and cannot attend."

"May't please your honor," interrupted Ormsby, "I appear upon the defence, and have had but twenty-four hours to examine the case, which my learned friend has been studying for the last three years. The eminent counsellor who was to have led upon our side was unfortunately with Mr. Muggridge when the accident occurred, and is also incapacitated from attending."

"Good heavens!" cried the Judge, "do you mean to say, gentlemen, that you wish to have this interminable case adjourned again; if you do, I assure you the request must come from both sides, and coupled with weighty and valid reasons too."

"I assure your honor that you will find no impediment upon our part," replied Ormsby. "We are probably much better prepared than the adverse party have any idea of."

"Why, Ormsby," whispered I to him, as he took his seat again, "what do you mean by throwing away this chance of obtaining all that we can ask for?"

"Hush!" said he. "We shall get it adjourned, and be paid for it too. Look at Small; he had the entire getting up of the prosecution, and yet is frightened to death. I've fixed *his* flint; and he looks as if he expected a mine to explode beneath his feet; he is sure we have laid a trap, and when he gets nervous in this way, is as helpless as an infant, without he has Muggridge to lean upon."

"Mr. Small," impatiently exclaimed the Judge, "I am waiting to hear from you."

"I will go on, your honor," answered Small, in a timid, hesitating manner, "although I think, under the circumstances, that—"

Here a succession of "whoops," that proceeded from some one under the window, and a loud cheer from a crowd, who had evidently assembled outside the building, cut the attorney's speech short, and he turned pale as death when the same voice that owned the "whoops," yelled out in tones that might have been heard a mile—

"Hoopee, boys! who's afeard? Hurray for ———. D—n old Henkins, and hurray for Cunnle Ting. Whar's the Judge, and whar's the jury? Fotch 'em up, and I'll lay down the lor fer 'em. Hurray fer Ormsby, and dern old Small. Who's a gwine to swar to a lie fer an X and no whiskey? 'Tain't this child."

"See to that disturbance immediately, Mr. Sheriff," said the Judge, in a rage.

Out went the sheriff, and the Judge continued :—

"Proceed, Mr. Small; Mr. Small. Where is Mr. Small?"

"Gone out to regulate a refractory witness, I should think, your honor," replied Ormsby.

"Very extraordinary affair," said the Judge; "and I must say Mr. Small's conduct appears to be greatly wanting of respect towards the Court. I don't understand it."

Small, at this moment returned, and before the Judge could commence the intended rebuke, addressed him hurriedly with—

"Please your honor, it is a matter of imperative necessity that this case be adjourned until the next term of Court."

"And why, sir?" asked the Court, very sharply.

"An all-important witness,—" commenced Small.

"Do you mean the drunken fellow, who has just created that disturbance?" interrupted the Judge. "Who is he?"

"His name is," hesitated Small, pretending to examine some papers—"his name is—Williams, I think, or Willis, or—really this disturbance has annoyed me so that I have forgotten it for the moment."

"Help him, Mr. Sheriff," said the Judge.

"It's that Whitly, who was tried for cow-stealing at the last fall term of the court," replied the sheriff.

"And do you ask to adjourn this case on his account, sir?" demanded the Judge. "If we wait for him to be sober, we shall have to wait some time for testimony not worth a straw. What says the counsel for the defence?"

"That he will not consent," answered Ormsby.

"Then," said the Judge, "the Court will only adjourn this case upon the prosecution's paying up all the costs that have already accrued, and that, too, without any future claim upon the defence, however this case may terminate."

"Why, your honor," exclaimed Small, "the costs amount to over five hundred dollars."

"If they have mounted up as high as that, so much the greater reason why it should be argued now," replied the Judge. "Will you proceed, or pay the costs?"

"I suppose we must submit, your honor, but—" commenced Small.

"Then enter up the rule, Mr. Clerk," said the Judge, "and call on the next case; too much time has been wasted in this matter."

As we left the court-house, Ormsby turned to me and remarked:—

"A pretty well played hand of brag, I call it."

In the course of the day Mr. Roberts arrived. He had made his escape from the Doctor's hands, and having heard of the accident that had befallen his counsel, feared that all was up with his cause; but when told of Ormsby's check-mate, was so delighted that he nearly shook our hands off.

Seated that night in my room, Ormsby, who delighted in drawing the old man out, and betraying him into one of his queer yarns, started him off by remarking, that Small was a capital hand to get up a case, but should never be trusted to manage one alone; for, said he, "when he gets his charge well down and all ready, he is sure to let his gun go off half-cocked."

"It is a mighty bad failen in a gun to go off half-cocked," commenced 'Uncle Billy,' "and the chap that uses one of that sort is certain to shoot suthin' bigger ner a gobbler in the long run; but the man that goes off half-cocked is as shure as fallin' off a log to shoot himself, and more ner onst, too. It's allers best, I reckon, to look at a thing all over twiste afore you meddle with it. I knowed an old doctor onst, as clever a soul as ever trotted pottecary stuff through a sick man, but his har-trigger war sot too fine, and though it war amost the ondly failin' he had, it war enuff to keep him in hot water all the time. He war powerful fond of his farm and garden, but, somehow, nothin' went well thar, he wer allers a gettin' some new kink in his head, and afore he got half through one speriment he'd be a barkin' loud on some other trail. T'warnt at all surprisin' that when he had so many things goin' on in his field he hadn't any time to see to the fences around it. The cattle tormented him powerfully; they got used to comin in, and come they would.

"One of his naybors had a par of beeves that war mighty onruly to be shua, and he consaited they war allers the ring-leaders in breakin' in. Arly one mornin' he got up and went out of his cabin, and putty soon heard the corn stalks a crackin'; but there were a heavy fog on, and he couldn't see ten foot ahead, so he started off full split for the noise, and afore long sot eyes on suthin' that looked white among the corn.

"'By Ned,' says he, 'if it aint that owdacious critter of Miss Mash's, a helpin' hisself in broad daylight, septin' the fog; that's putty chunked; coming it rather too strong, I reckon. I said I'd pepper him the first time I treed him in my field, and, by thunder, I'll do it.' Back he went to the house and took down one of the boys' guns; it war the old man's first experience in firin' one, and if you could have seen him put in a handful of powder and shot, all mixed up, you'd have allowed it war a dose of calomel and epekak he war a mixin for some misfortunit critter. Arter he rammed it all down, and put in nigh to half a pound o' cotton to keep all quiet, out he put, crawled up clus to whar the beef war a makin' his breakfast, and let fly, chebang. For the fust fire it war a mighty good one, and fetched three things to onst—the gun bust, the old man drapped like *he'd* been shot hisself, and the biggest part of him made a hole in the ground that they had to fill up arterwards like an old well, for he weighed clean above two hundred; and naybors that lived too far off to hear the gun, felt the shock and took it for a juvenile arthquake on a mineatewr plan. The beef swung backards and forards a second er two, just as if he war putty well corned, and he war too; then down he drapped, gin a beller, and keeled up. In a minit here come the boys from the house a humpin' it and a hoopin'.

"'By thunder,' says one on 'em, 'ef dad hasn't gone and done it now I'll be derned. I reckon Miss Mash's beef has got as much of a grist to grind as he'll want for some time. Hollo, father, are you tired, er what are ye squattin' down that way fer?'

"The old man sot still, didn't say a word, ner try to get up, and ef he had t'would have been of no sorter use. Well, thar he sot for ten minits, and all the boys could do they couldn't git a word out ov him; till at last, by prizin' and liftin' they got him on his legs agin, and then, arter scratchin' his head awhile, says he—

"'John, which eend ov a gun do you mostways use to pint at anythin' when you want to knock it over?'

"'Why,' says John, 'the leetle one in course.'

"'And do you generally put in the powder afore the lead or arter it?'

"'Why afore it, to be sure.'

"'Well,' says the old man, 'then I'm satisfied, for I put both together, and that accounts for both eends goin' off to onst; but I allow Miss Mash's beef has got the tother half, and you'd best go see.'

"All hands started off for the beef, and thar he war sure enough, made meat on, ondly twarnt Miss Mash's beef arter all, but the old doctor's white-faced steer.

"There warn't much said about the way he died, least ways not amongst the doctor's people; but as he hadn't turned a furrer for their late crop, and beeves that war broke to the plough war very scus, and corn mighty high that year, thar war a heap of weevils in the old man's crib that either starved or changed their location.

"It larnt him suthin' arter all, for whenever he'd bust up and fly all to pieces about nothin' at all, the old woman would say, 'that's right, father, don't you be imposed on, just serve 'em out like you did Miss Mash's beef;' and the old man would cool down, and his tail drap directly.

"Some folks hev got their trigger sot too fine on one thing and some on another, some goes off right ahead, and some are on the back ackshun principle, some is skert to death about nothin at all, and some gits as riley as thunder and raises thar tails directly when nobody didn't mean to insult em; and then agin thar's some goes a rarin' and tarin' arter all the mad wild-cat speckillations they can git item of, and generally comes out as the man did who diskivered the soap mine.

"Any body that's lived on Galveston Bay could tell you who Dave Harris war. I reckon he wont disremember his first surveyin expedishun in a hurry. He war as green a man as ever you see catched, but he allowed he wor all-fired knowin—one of them 'too smart' ones that's too knowin to go alone. Dave wor a little thirsty Yankee, that looked jist 'sif he'd been fetched up on codfish tails, he wor so thin and dry. You'd hev larfed ef you could hev seen his rig fer his fust expedishun; he had more blankets and riggin than would hev sarved out a dozen; and his saddle war hung around with coffee-pots and tin cups, till it looked jist like a tin peddler's waggin a horseback; and as fer spurs, he'd mounted the biggest par I ever see, good six inches across the rowell.

"The first night we camped out war on Clar Creek, whar he'd made his location. Our horses war staked out, and we war a settin round the fire, on the ground, a tellen big snake stories for Dave's edification; when all ov a sudden, up he jumpt, gin a most onarthly yell, and then keeled up.

"'Oh, Lord!' says he. 'Oh, Lord!! Oh, Lord!!!'

"'Why, what's the matter, Dave?' says I.

"'Oh, Lord! I'm a dead man; tear out my hat linin and give me a chunk of coal, I want to make my will directly. Oh, Lord! oh, Lord! that I should hev quit the place whar I lived to hum down East to come here and be killed by a *rattlesnake!*'

"'A rattlesnake,' ses I. 'Hurra, boys! hunt him up, arter him, er else some ov the rest on us 'l catch it.'

"Well, we stirred up the fire till it gin a powerfull bright light, and hunted all around, but couldn't see no sign ov anything like a snake; so we gin up, and all hands went to see what we could do for Dave.

"He said he was bit whar he set down on, and we inspected putty close, but couldn't find nothin serus, thar wasn't any swellin nor nothin ov that sort to speak on; and finally he got more docious, and gin in that he war'nt a goin to make a die ov it that time, but he swar it war a snake bit him, only he reckoned he'd jumpt up so mighty spry that the varmint hadn't time to get the poison in.

"He came up to the fire agin, and dropped on his knees (which wer the way he'd been a settin afore), then he sunk down till the biggest part ov him lit on his heels, and the minit it did, up he jumped agin and yelled out—

"'Snake! snake!! snake!!!'

"'Shut up,' says I, 'you dog-on, no-account critter, *ef you can't tell a durn fool par ov spurs, from a rattlesnake,* ye'd best stayed to hum and sent your old woman a land-huntin'.'"*

On the next day Mr. Roberts and I left Malden for Houston, and thence he proceeded to his plantation upon the Brazos, and I across the prairie to Galveston, meeting on my journey with nothing of sufficient interest to record.

Galveston and the Bay County possess, however, so much of historical interest, that although it is not my intention to enter upon a topographical description of Texas, a few pages may be very properly devoted to them.

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*The author is aware, that many of his readers have met with this last story, of "Uncle Billy" before; but it has been re-printed and re-written, and twisted and turned, and made over, until he can scarcely recognise his own offspring; and has introduced it here for the purpose of reclaiming it to its home, and of showing where that home is.

CHAPTER XXIII.

GALVESTON.

This city—as every one knows, or should know—is built upon that narrow strip of sand which separates Galveston Bay from the Gulf of Mexico.

You will neither perceive island nor city until you are close upon them. The shore, low and destitute of anything that may deserve the name of a tree, presents no prominent landmarks to the mariner; and many a vessel, before the city was built, has sought in vain the inlet to the Bay.

I have always considered Galveston as one of the most charming places—in appearance—that I have ever seen. The regular streets are of dazzling and solid white sand—the houses new and nearly all painted white—the dwellings built in that easy, sans-souci style peculiar to the French and Spanish cottage; and all of them surrounded and embowered with the shrubbery of the tropics—the several varieties of the fig, the orange, the lemon, the pomegranate, and great numbers of flowering plants, that with us require the greatest care and attention, but there grow to a large size, almost unattended and uncared for—such as the various kinds of jessamine, the tube rose, the oleander, &c., &c.

The wharves present quite a business-like appearance—a few foreign ships—three or four bay steamers that ply between this port and Houston, the Brazos and the Trinity

—one or two sea steamers—the packets and cotton ships from New York and Boston—and a host of smaller craft, enjoying the beautiful appellation of "Chicken-thieves," that run up and down the Bay, poking their inquisitive prows into all the small bayous, and driving a profitable trade in wood and charcoal, butter, poultry, and eggs.

To the wharves and to the Strand, however (as the street fronting upon the bay is named), all business is confined, and an air of insuperable dulness reigns over the rest of the city. Not a sound is heard except perchance the bell of a steamer, or occasionally voices raised in mirth, or a singer in the streets; it would be the place of all the world for a second edition of the "Seven Sleepers" to luxuriate in, without the slightest danger of a speedy awakening.

Galveston can never be more than a forwarding post for Houston and the Brazos. Fortuitous circumstances, and the idea that it must soon become a place of importance, alone gave it the position it once occupied, and from which it has already sadly declined.

A few English, French, and German merchants, with some capital, and heavy stocks of goods, emigrated there in the years 1840, '41, and '42, expecting to supply the up-country planters with their necessary goods, and purchase in return their cotton for a foreign remittance. The Houston merchants soon, however, obtained greatly the advantage over them; the navigation of the Brazos and Trinity being so exceedingly uncertain and dangerous, that planters preferred transporting their crops across the country in wagons to the latter place, rather than incur the risk of loss, injury, and serious delay upon the rivers; and when once in Houston, their cotton was purchased immediately at quite as fair a price as they could expect to obtain for it below. Moreover, the men of Houston being generally old settlers and persons well acquainted with the wants of the Southern trade, offered them stocks of goods, if not so large, yet better assorted and adapted to their wants than those of their rivals of Galveston.

Nor was this all: a planter must at some time require credit; this, those who were deserving of it, could obtain from men to whom they were personally known, and who were familiar with their affairs and circumstances; while on the contrary, all foreigners came to the country with the idea that it was the first object of every man with whom they met, to cheat and defraud them if they could.

The "Northers," as the fierce north winds of the coast-country are called, offered another and a very serious impediment to the commerce of Galveston.

The waters of the Bay are little influenced by the tide, but completely controlled by the violent winds. A strong southeast wind forces the waves of the gulf into the bay, while a heavy and continued blow from the north or west nearly empties the latter into the former, leaving the flats bare and the sand bars impassable even to the smallest craft.

It is almost impossible for any planter to visit Galveston in winter, receive and dispose of his crop of cotton, purchase and ship his goods, without being there long enough to encounter a "Norther," and he then has the pleasure of remaining at the "Tremont House," or whatever hotel he may choose to patronize, at a very heavy *necessary* expense, besides the *extras*—generally the more serious of the two—or of being caught in a steamer upon some of the "bars"—Red-fish or Kloppers for instance—then and there to lie, wind and mud-bound, from a day to a week, as fate may will it, upon short commons, until a southeast wind may be so minded as to again replenish the exhausted bay.

These and other causes occasioned a rapid increase of prosperity in Houston, and a proportionate decline in Galveston, but not immediately; for, strange to say, that very want of a regular and legitimate up-country business produced temporarily the reverse effect. The heavy stocks of a foreign merchandise were found unsaleable and unfitted for the market, being refuse goods of all descriptions, purchased under the mistaken idea that anything would sell in Texas.

Anxious to dispose of their dragging stocks, the owners soon commenced dabbling in lands, and exchanging goods at exorbitant prices for lots in or near the city. Nor was it long before soldiers' certificates, headright—as the floating claims of settlers were termed—patents, and even Spanish titles, all found a market here.

Land every one had; a crowd of speculators rushed in, strangers filled the hotels, and their money the landlords' pockets; the livery stables, bar-rooms, billiard rooms, restaurants—all came in for a share; a much larger amount of goods was sold for money; building lots rose rapidly in value; houses and stores were erected; those already in existence were purchased at an extravagant price, and for a time everything bore an unreal and inflated value.

Affairs went on prosperously for a time, but a reverse soon came.

As long as these stocks of goods lasted, and even longer; while the merchants who had been engaged in this business had credit to purchase others upon their individual responsibilities, or by the hypothecation of their land papers; all was well—but when no merchant could be found willing to part with his wares, except for such equivalents as he could again employ for the purpose of replenishing his store, an immediate decline of commerce ensued.

Houses and lots decreased greatly in value; most of those who had been transacting a really legitimate business abandoned the place to seek a better location, and Galveston became what it now is.

It is, in fact, looked upon something in the light of a watering place, where one can spend a few days and a few dollars pleasantly, luxuriate upon the fine oysters and fish of the Bay, sail, ride and bathe. To look at the town, you would note it for the very residence of Hygeia; the neat and beautiful houses, the cleanly appearance of the streets of hard white sand, the almost constant breezes from the Gulf or Bay, all indicate it.

Unfortunately the reverse is the case. Galveston has been severely and repeatedly afflicted with the fatal epidemics of the South.

There is another great drawback to its prosperity—the danger of submersion. Twice within the recollection of the author has the portion of the island upon which the city is built been under water; once entirely, and once partially.

The first visit of Neptune occurred in 1838 or '39. No lives were lost; all the inhabitants took refuge in a large building, then used as the Custom House. The second story was filled with soldiers and Mexican prisoners, whose weight, probably, prevented the building being washed away. The boards were torn off from the lower part of the building, and the waves had full liberty of dashing through without meeting with any opposition upon which to wreak their vengeance, except the posts and supporters. All this occurred at night, and the next day the waves retreated; but dark and fearful must that night have been to those "cabined, cribbed, confined" in a slight building, surrounded with a raging waste of waters, stunned by the deep-mouthed roar of the furious waves, and the shrill piping of the northern blast.

At this time Galveston was but a military post, of which Col. Turner was the commandant, and he with his wife and family passed the night in a small open boat, anchored near the Custom House, exposed to the violence of the pitiless storm.

The second invasion of his Marine Highness, occurred in 1842. A church built of brick was blown down or undermined, I know not which; houses upset and shattered; vessels made experimental trips upon their own accounts, without having obtained a regular clearance from the Custom House; some of them became so firmly attached, during their first visit to the streets, that they reluctantly refused all overtures made them afterwards to leave; and one or more lives were lost.

CHAPTER XXIV.

UP THE BAY.

THE usual mode of communication between Galveston and Houston is by steamboat, and there are generally two running between the two places, thus making a daily line,—the distance being only about eighty-five miles, and achieved in from ten to twelve hours.

In winter, however, these trips are prolonged according to the good will and pleasure of the northers.

Having embarked upon one of these asthmatic means of locomotion, you will first encounter, in your progress up the Bay, "Pelican Island," a very narrow and very low strip of sand, lying directly in front of the city, at a distance of some two or three miles from it.

This island derives its name from the immense numbers of "Pelicans" which congregate there. Nor are they the only aquatic birds that inhabit the place, it being a favorite rendezvous for all varieties that frequent the Bay.

In the month of May its sandy shores are literally covered with their eggs, and beach parties often resort there for the purpose of gathering them. Rounding the southern extremity you have a full view of Galveston Bay—a narrow strip of timber skirting the shores of the mainland far on your left, making as it were a line of demarkation between the prairie and the water; and on the right the masts of vessels in port, and one or two buildings, more pretending than their neighbors, alone giving token of the existence of the city; the island itself having already disappeared, hidden by the miniature surges of the Bay.

Ten miles further on you will arrive at "Red Fish Bar," a formidable obstacle to navigation. This is a ridge of sand, in many parts elevated above the water, and extending entirely across the Bay, with the exception of two or three narrow passages.

Having passed in safety you then find nothing to impede your progress until you reach "Klopper Bar," some ten or twelve miles further up, and lying directly across at the outlet of San Jacinto Bay.

I have no intention of making a coast survey for the reader's benefit, and shall attempt no regular or continuous description of the country; but this section is so much spoken of, and has so much of historic interest connected with it, that I have here deemed it best to be minute in sketching.

After passing Klopper's Bar on your left, the so called San Jacinto Bay opens full before you.

I say "so called," for it is really but the mouth of the river proper, the main channel of the Bay being only from a third of a mile to a mile in width, running between and winding among a chain of islands, behind which are snugly ensconced sundry other small bays and coves, of so little depth of water, however, that a "norther" renders them impassable even for canoes.

Every point, creek, cove, bay, and island in sight has some story of its own attached to it.

Immediately upon your left, after entering San Jacinto Bay, stands "New Washington," the plantation of Colonel

Morgan: the building surrounded and embowered by a grove of the orange and fig.

This spot was the furthest point—the ultima Thule—which any of Santa Anna's army attained in the invasion of 1836.

There—in that very house—looking so quiet and demure, as if it were the very spot of all the world for indolent repose, was the President of the new Independent States of Coahuila and Texas, very quietly waiting the progress of events, doubting whether or not it might be wise to embark in a vessel which lay off the Point, with the fugitives on board, bound for Galveston. There he sat hesitating what course to pursue in order to preserve his neck from too intimate an acquaintance with Mexican hemp, when suddenly and unexpectedly a party of the enemy's horse dashed up the lane.

Burnett and his friends escaped by one gate, as the adverse party entered the opposite; they rushed down to the water's edge, found a boat, and embarked; but ere they had advanced a musket shot from the shore, their foes were upon their track.

At this critical moment, the boat grounded; and had the horsemen pushed their steeds into the water, the entire party had been captured; but the enemy halted, and raised their "escopetas."

Among the fugitives was a lady, whose person, fortunately for his Excellency, was in proportion to the size of her heart.

She arose, interposed her amplitude so as to completely shelter and conceal the President, and, to the honor of the Mexicans be it said, they withheld their fire.

Brutal, murderous, faithless as have been all of their dealings with the Texans, they have respected woman; but this was an extreme case, and it might be doubted whether, under similar circumstances, many who claim to be more civilized and less sanguinary than the Mexicans, would have withheld their bullets from the escaping chief of the enemy,—denounced as a rebel and outlaw, with a price put upon his head,—restrained by the fear of injuring a woman.

Let us give the d—l his due, and the Mexicans whatever meed they may deserve, for it is but seldom that we have an opportunity to praise them.

On the opposite side of the bay, from New Washington, is Cedar Point, and upon it stands a cabin of no very remarkable appearance or lofty pretension, yet it and the land surrounding have long been a bone of contention between a Gothamite Texan, and no less a personage than Sam Houston.

The circumstances of the dispute were somewhat singular and complicated.

The league of land, or rather, as the Mexican law and deed term it, the "sitio" upon which the said house stands, was granted to a person of the name of E——.

This E——, it seems, had been married in the old Texan fashion, which, being a very odd mode indeed, had better, perhaps, be explained to the reader.

Under the Mexican regime, the church of Rome—or rather, a very corrupted version of it—reigned paramount; the priests, in fact, controlling not only church, but state; and all marriages were declared illegal unless performed by one of their order.

Unfortunately, however, the Mexican ministers of the

Catholic church were not of that self-denying class, who willingly spend their lives among wild woods and wilder men; advancing the cause of God, and assisting and instructing their fellow men.

On the contrary, they much preferred their snug "haciendas," fat dinners, and rosy nieces, to say nothing of a Sunday game of "Monté" with their flock, to tramping about the country with every probability of picking up more kicks from the Indians, than coppers from "los Yankees."

This was, therefore, a very awkward state of affairs, which might lead to troublesome results; and something had to be done, for like poor Paddy in the song,

> "It might be for years, and it might be for ever,"

ere the light of a "Padre's" vinous countenance would illumine the out-of-the-way settlements; so Mexico passed a law.

When Mexico and China fall into a difficulty, they pass a law, issue a "pronunciamento" or proclamation, and *voilà!* the thing is done.

Texas has been completely subjugated several times by the one party, and those belligerent "Fankweis," the "John Bulls," repeatedly humbled to the dust by the other, in this very simple and efficient manner.

The law, however, passed in this instance, taking all things into consideration, was perhaps the best thing that could have been done.

The substance of it was, that whenever a couple desired to commit matrimony, and themselves, at one and the same time, if no Padre was at hand to unite the chain of roses (which, by the way, is a pretty metaphor for something more enduring than steel, and sometimes more galling than nettles), then the contracting parties were allowed to assemble their friends, and in their presence sign a bond, pledging themselves mutually to submit to a more regular performance of the marriage rite, whenever called upon so to do by either party, if a priest might be found, or to forfeit five hundred dollars.

Under this strange law were the marriages of the early Texans performed, and very few of the parties ever after gave any thought to the necessity of "troubling a priest," until civilization coming hand in hand with liberty, the Solons of the new Republic declared all such marriages null and void, unless completed according to their amended laws, at a certain time.

Wives were then valuable commodities—valuable on account of their scarcity; and very few of these bonds were forfeited.

While upon this subject, permit me to recommend to the respective collections of legislative wisdom of Connecticut and Kentucky, to give this system a close examination, and to judge if it be not preferable to their mode of doing business.

Thus was E—— married, and some years after, dying without a will, he left a son by a former legitimate marriage, and a wife by the laws of Mexico, to dispute for the possession of his "sitio" and "labore."

Ere any division or settlement had been made, the lady sold one half of the land to the "old chief"—as Houston was called—and soon after either sought some other country, or followed her husband into another world.

The son, not to be behindhand with the old lady, also sold a half to Mr. Y——, a lawyer in Galveston.

Both parties claimed the best portion, insisted loudly upon the legal right of their respective vendors, and both took active measures in the matter.

Houston, I believe, first took possession of the land, built a log cabin, and resided there for a time, leaving a German to protect it when he retired from the field; from which the tenant was soon ousted by Mr. Y——, who now in his turn moved his family there.

Both being lawyers, the disputants took up the weapons of their kind, to fight out the battle, and at it they went, pell-mell.

It soon appeared that the title—if title it was—of the old chief, only covered the other half of the league in question; and he very gravely requested the court to make a regular exchange, and by some hitherto unknown rule, grant him the part which he coveted, insisting that the papers were drawn up erroneously, and should have conferred it upon him.

How this decidedly comical case has terminated, I know not—but probably not at all, as lawsuits have no limits in Texas, and the one in question will probably rival in immortality the celebrated case of Peebles *vs.* Plainstanes.

CHAPTER XXV.

SAN JACINTO BAY.

San Jacinto Bay is a beautiful sheet of water, some twelve miles in length, and from one to three in width. Commencing at the junction of Buffalo Bayou with the San Jacinto River, and running southeast to Galveston Bay; it is studded with pleasant little islands, its waters abound with fish equal to any in the world, and are covered in the winter months with an innumerable host of aquatic birds, from the poor, despised "poule d'eau" to the epicurean "Canvas-back" and the stately swan.

Its shores present great advantages to emigrants, especially those of smaller means, and without what is termed a large "force" or number of negroes. Being within a short distance of two of the largest cities, the farmers find a ready market for vegetables, fruit, and wood—all of which, in most other sections of the country, are of no other use than for home consumption. Besides these, the prairies afford an excellent winter and summer range for cattle—and a well managed dairy might be rendered very profitable.

There are, however, some drawbacks, and rather serious ones. The prairies are perfectly level, not rolling as they are further north; and when more water falls than the earth can imbibe, it stands upon the surface until slowly evaporated by the sun. This not only causes much sickness, but unfits the ground for travelling sometimes for months.

Then the soil is comparatively poor and not easily worked, besides which the corn and cotton crops are more uncertain than they are further up the country.

On your right hand as you enter San Jacinto from Galveston Bay, immediately above Cedar Point is Cedar Bayou, a stream, or rather creek, navigable some twelve miles for vessels drawing from five to seven feet of water. Here Lafitte repaired, wooded, and watered his vessels.

This bay and the bayou were, as a Texan would say, his "stamping ground." And here he lay, like a spider in his den, awaiting his prey. His fort and collection of huts were upon Galveston Island, but his vessels, when not engaged in active service, were probably kept in the inlets of the bay; and one can find many traces and marks of the pirate camps upon their shores.

When any considerable booty had been taken, he crowded sail for the Louisiana shore, and running up one of those outlets or bayous west of the Balize, found a hearty welcome, and a ready market among the planters of the interior.

To return to the Bay. Two long but narrow islands lie upon either side, near the mouth—Cattle Island upon the right, Spilman's upon the left; behind these are two of those small bays of which I have made previous mention—Morgan's and Goose's Creek Bays—the latter but a small affair.

Passing these islands you will find upon your right a small collection of houses, under the title of Louisville. Here are the shipyards, and the only ones in this part of the country—the worms being so destructive in the waters of the lower bay, that the "ways" are entirely destroyed in a few months after being laid in the water.

Behind the neck of land upon which the shipyards are located is Scott's Bay—next above this, Bloodgood Bay—and on the opposite side of the Channel are Perkins's and Brown's islands.

Hidden from sight by the two latter is a sheet of water known as Peggy's Bay—being so named from a somewhat notorious personage—Peggy McCormick—who owns or did own, the league of land upon which the battle of San Jacinto was fought.

Peggy achieved immortality by her dauntless courage, not at, but after the aforesaid battle.

Not a whit cared she for Rusk or Houston, Cos or Santa Anna—for Texan or Mexican, but the idea that they should have had the audacity to fight a battle upon her land, and that too without even saying "by your leave," was something too aggravating for her Milesian blood to bear.

It would seem that her excessive indignation and agitation at such unparalleled impudence upon their part must have temporarily overpowered her, and prevented her taking any decisive measures in or on the premises until too late, or doubtless, broomstick in hand, Peggy had sallied forth and pegged away with remorseless violence at both the trespassers upon her soil.

On the day after the battle, however, she determined that the victorious General should feel the full weight and power of woman's first, best weapon of offensive or defensive war—her tongue; and so, in not the most amiable mood in the world, presented herself before Houston.

Without obtaining permission, inquiring if he were in, or with any in fact of the customary preliminaries, in she marched boldly, up to the bed where the General lay—fretful and irritated from the effects of a wounded leg.

"General," said she, "take yer men aff me legge" (league—of land).

"Madam," began the General, always urbane when the fair sex are concerned, but his speech was cut short by Peggy's reiterating—

"Take yer men aff me legge, I say."

"Indeed, madam, the army will move as soon as possible."

"But I say take yer men aff me legge immediately."

At this last volley, accompanied by a corresponding approach upon the part of the assailant, as though, like the old man in the spelling-book, who found words and grass ineffectual, she was about to commence the vi et armis mode of argument, the usual patience and urbanity of the sorely tried commander resigned its functions, and poor Peg was hurried home under the protection of a military escort.

No stranger is ever ciceroned over the field of battle without hearing of her speech—it will be quoted in after ages; and all must admit that, although her style of oratory might not have been classically beautiful, it was certainly to the point.

On leaving Brown's Island, the bay assumes the appearance of a river, the width not exceeding a mile; and after a detour of some two or three miles to the left, you arrive at the junction of the two streams.

Upon the right bank stands Lynchburgh, and upon the left San Jacinto—two petty hamlets, with a few huts, dignified as houses and stores—the latter driving an insignificant trade, with whiskey, tobacco, and coffee for its staples.

Each place also boasts now of a saw-mill, and had this been the case in 1836, or had the new steam mill been in operation upon the bayou, it is rather doubtful whether the Mexican army would have camped so quietly in its vicinity.

The ignorance of the Mexicans who composed the army of invasion was almost incredible; everything that they saw was new to their eyes, and very simple and every day affairs to us, became to them matters of great wonder and profound astonishment. Such ideas as steamboats and saw-mills had never crossed their benighted minds, and thereby hangs a tale.

As soon as the invading army entered the settlements, the privates commenced loading themselves with miscellaneous and heterogeneous plunder of every sort and description. That they knew not the uses of an article was no reason for letting it alone. As long as it had evidently been of some value to some one, off it went; and if too large to be transported by one, was divided. Unfortunate spinning-wheels found themselves divorced for life from all their former ties and connexions; shovel and tongs that had kept company for many years, parted to meet no more: in short, the entire army—each man with his back-load of assorted plunder—resembled for all the world some huge association of foot pedlars, got up on "social" principles, for the express purpose of victimizing at one fell swoop (or swop) all the old women in the country. That their backs groaned under their unwonted burdens made no difference to them, nor did it prevent their making fresh addition to their treasures every day.

Old booty was rejected for new, and the road over which they passed presented something such an appearance as the streets of our city might be supposed to exhibit, if at that precise moment, on some first day of May, when one half the furniture and luggage of the inhabitants is in a state of migration, an earthquake should suddenly occur, and all the contents of the various vehicles of transportation be thrown helter skelter, promiscuously, and sown broadcast over the pavements.

Fate so willed it, that while Urrea's division was upon the Colorado, one of his scouting, plundering parties, fell in with a saw-mill. Had they discovered the longitude without ever having heard of such a thing before—or had that very uncertain individual, the "Man in the Moon," with dog, and bush, and lantern—all his paraphernalia complete—made his appearance, and invited them to partake of the green cheese of which his kingdom is supposed to be formed, they certainly could not have been more astonished.

What use in the world this curious affair could be put to, they could not imagine; but ever treacherous themselves, they are ever suspicious of others; and after a long and warm consultation upon the subject, all pronounced it some cunning and devilish device of the enemy, one not to be approached save with an overwhelming force. H[illegible] they lived a few years later, and been sufficiently fortunate to have read Macaulay, something like a new "Rye-House" plot, or a "Guy Fawkes" affair of that kind, would have probably suggested itself to their vivid and fear-excited imaginations.

Be this as it may, off they started to procure assistance. This being obtained, the dubious and dangerous affair was regularly invested; and when, after a slow and gradual approach on all sides, they found that it did *not* go off, their valor, cupidity, and curiosity combined, so got the better of their discretion, that a general rush was made at the building.

Here was something new, surprising, and unheard of. What could be the use of all that complicated and curious collection of wheels and levers? What did that enormous saw and log-carriage mean, unless indeed this was some newly invented satanic device and horrible machine of *los diablos los Yankese*, to shoot off that pile of huge logs, as so many gigantic arrows, at the invincible and glorious army of invasion?

One sentiment, however, prevailed—that of regret, of deep, unfeigned regret, that the whole affair could not be carried off bodily as it was; and to remedy this as well as they might, they laid their heads together to concoct plans, and devise ways and means, to detach the more portable parts of the vast machine, and to pack them off.

Some went to work upon the wheels, some upon the saw, and all were making themselves busy and useful, doing, or trying to do something, when an unfortunate wretch, whose day of birth must surely have been marked with a black stone, seized upon the lever of the saw-gate as his share of the plunder, pulled it down, *and off she went*, with more than an extra head on.

Language fails to describe the result; and the reader must imagine if he can the precipitate retreat of the valorous foe. Some mounted their horses, many had no time to spare even for that, and not a hero turned head, or drew rein, until within sight of camp, and when the ceaseless and horrid din of the overtasked mill had faded away in the distance.

Had Mrs. Lot been one half as wise, she never would have been changed into a moral pillory, or remained above ground long enough to have been chipped in bits by the "Dead Sea" gentry, and brought home by them to give an antique flavor to their Expedition.

CHAPTER XXVI.

THE BATTLE OF SAN JACINTO.

No gorgeous banners we unfold,
Of crimson silk, and yellow gold;
No waving plumes, nor helmets bright,
Nor chargers prancing for the fight;
But men as true, and hearts as bold,
As e'er a life for freedom sold,
At Leuctra, or Thermopylæ,
We bring into the field to-day,
To chase the weir wolf from his lair,
Or failing, sleep for ever there.

Buffalo Bayou makes nearly a right angle with the San Jacinto. The prairie upon which the battle was fought is almost level, elevated some thirty feet above the bayou and bay, and bounded upon two sides by a "marais" or marsh. The few huts which compose the petty village of San Jacinto, stand exactly at the angle of junction. Leaving these, and turning to your left, after a march of perhaps a mile upon the low ground on the margin of the bayou, you turn again to the left, and ascending a gentle hill, are upon the battle ground. At the summit of the hill is a beautiful grove, or, in Texan parlance, "island of timber," upon the outer edge of which, in unpretending graves encircled by common paling, the heroes that fell upon the field sleep their last sleep.

This first "island" was the spot where the Texans pitched their camp. In and around another island upon your left, distant not more than half a mile, did the first severe fighting and skirmishing occur. Here fell nearly all the Americans whose lives were lost in the engagement. Directly in front of you, and in a line with the first island, stands yet another, at the distance of a mile, while you will see a fourth, larger than the others, in a line with, and opposite to the second, its right resting upon the extreme verge of the high ground, and overlooking the marsh and bay. Here lay Santa Anna's army; in front of this, and between it and the smaller grove upon its left, was the battle fought. The prairie here is slightly rolling, descending within half way between the two camps, and then again rising. Thus the camps were upon a level, with a piece of lower ground between them, which circumstance, one might suppose, would have given a decided advantage to the party attacked; but thanks to Mexican management and Mexican gunnery, the reverse was the case. You will perceive the field is a parallelogram, bounding it on two sides by lines drawn from island to island, and the shores of the Bayou and Bay completing the figure. It is a rich piece of land, covered during nine months of the year with a fine crop of grass, and spangled with innumerable flowers of all hues and forms. The ground is hard, smooth, and would be an admirable place for a review.

The whole country, at the time of which I speak, was frantic with excitement and alarm.

Some seized the first horse that they could find, and unprepared, save with their rifles and a day's provisions, rushed to the army, with no thought save of revenge for the cold-blooded murder of a father, brother, son, or friend, by their dastardly and treacherous foe. Others again made post-haste for the Sabine, taking their families with them, but without caring for anything else, leaving stock of cattle, plantation, houses, and such furniture as they possessed to the tender mercies of the enemy, or the first gang of robbers that might chance that way. To use a very meaning western expression, it was a perfect "stampede."

When the disastrous news of the fall of the Alamo, and massacre of Fanning's command near Goliad, reached the army, they were lying upon the Brazos, and it is said that many of them also shared the general alarm. Houston was in command, and what his intentions were it would now be very difficult indeed to ascertain; but from the statements of the officers with him at that time, it would appear to have been his design to have retreated into the Red Lands, then and now the most densely populated part of Texas, and thus to force the settlers to recruit his army, by bringing the war to their very doors.

Whether even this plan would have succeeded is very doubtful, as the three divisions of the invading army would have joined forces ere they had attempted to overrun this section.

At this critical period, when the heads of the government beat a very undignified retreat from Harrisburgh, upon the "sauve qui-peut" principle, General Rusk, the Secretary of War,—to whose determination and courage Texas owes everything—alone hastened to the army. An immediate change took place for the better; his presence did much, his actions more; not appearing himself to command, his orders were promulgated through the regular channels, and prompt and decisive they were. Scouting parties scattered along the banks of the Brazos were called in, the small army concentrated and prepared for the conflict, and the route ordered, the moment his hurried preparations were completed.

Santa Anna's division crossed the Brazos on the 11th of April, marched through Harrisburgh, which they burned, and then took the road on the right of Buffalo Bayou to New Washington.

On the 16th, the Texan army took up the line of march; and on the 19th crossed the bayou, taking the road on the left of the stream. They were thus nearly upon the track of their foe, but chose the other side, perhaps because it afforded shelter and concealment, perhaps because it might offer an opportunity to retreat.

A short distance from the crossing, the road forks; one trail leading to the Atascasete ford of the San Jacinto, and thence to Nacogdoches; the other to Lynchburgh. At the junction, the guides paused, having as yet received no orders as to their future course.

At length the order was given, and the army marched down the bayou road.

It would appear to have been, even at that late hour, a matter of great doubt whether the battle was to be fought, or a hurried retreat made. The fate of Texas at that moment hung trembling in the scale.

Houston's reply to those whom he met, and who eagerly inquired the destination of the troops, was, as I have been informed by officers who were with him on that day, that he was "going down to fight the Mexicans, but against his will and advice, and that he was not responsible for the consequences." Be this as it may, the army pressed forward and encamped that night near the bank of the bayou, and not far from Lynchburgh.

The transit of the little army was effected with safety and rapidity early the next morning, and they had just "camped" in the previously-mentioned grove, when the Mexican bugles sounding upon the prairie, announcing the advance of Santa Anna, summoned them to arms. A few shots were exchanged without serious effect; the enemy fell back and encamped also. In the afternoon Col. Sherman, with his small corps of cavalry, was despatched to reconnoitre, and in so doing, drew out the entire mounted force of the Mexicans upon his handful of men, who retreated to the small "island" nearer the Texan camp. Why he was not supported by Houston is an enigma that none but Houston can solve; but from whatever motives he acted, he left them to their fate.

With desperate courage Sherman finally rallied his men, and cut his way through to the camp, with the loss of five or six killed, and several wounded.

The Texan army now consisted of some seven hundred and twenty men, and a very heterogeneous collection it was. A few artillery-men under the gallant veteran, Colonel Neil, a part of a regiment of infantry commanded by Colonel Millard, a squad of men from Tonnehoe, skilled in backwoods warfare, the use of rifle and bowie knife, a few Mexicans also battling for independence, under Col. Seguin, a company under Capt. Baker, that had nobly acquitted themselves in baffling the entire Mexican force upon the banks of the Brazos (with but thirty men), and that duty done, hastened to rejoin the army; a company of volunteers from Alabama, under Col. Turner, &c., &c. Santa Anna had brought into the field an army variously estimated at from thirteen to sixteen hundred, and these were further augmented by the command of General Cos, who arrived on the morning of the 21st with nearly six hundred fresh troops.

Captain Wharton with a squad of men had been sent early on the morning of the 21st to see that the bridges were in order and boats in readiness in case a retreat was necessary, but determined upon a desperate conflict, in direct opposition to his orders, he destroyed both bridges and boats. There was no alternative, it was really liberty or death, and preparations were made for the approaching conflict. The army was drawn up so as to present as much face as possible, to prevent their being outflanked by the enemy. The conflict was commenced by Neil's artillery, and the Texans at "double quick" marched on the foe. The Mexicans had drawn up in front as a breastwork, a number of trees with their branches lopped; these were covered with pack-saddles, blankets, &c., so as to render them an almost insurmountable obstacle, and one fatal to an attacking party. Mexicans have one great peculiarity, they are in idea at least, altogether too brave, and it is a great pity that their physical cannot keep pace with their moral courage. Santa Anna affected to despise his opponents, and not content with quietly awaiting an attack, which the situation of the ground, slightly ascending towards his line, and the admirable defence I have just mentioned, would, with any ordinary degree of prudence and courage on the part of the defendants, have resulted in their favor; must needs make a display of his extra courage and gallantry, by drawing up his best and most reliable corps, the Guerrera battalion, in front of the works, to receive the enemy with the honors of war.

The Texans came on two deep—deployed, as I have before said, to prevent their being outflanked, and also to give an opportunity for every man in their scanty ranks to add to the effect of the first fire. Three volleys from the Mexicans passed harmless over their heads,—and now came their turn.

At a distance of sixty yards every musket and rifle was presented, each covering his adversary. A line of fire ran along the ranks, and down fell at least a hundred of the enemy.

As for the valiant troops in advance of their proper position, they very early in the engagement evinced a strong and marked desire to shift their quarters; and the first volley from the Texans throwing them into utter confusion, their officers undertook to march them round the breastwork, when, just as they wheeled, a second volley—as a Texan remarked to me in speaking of the affair—*did the business for them;* and not having time to go round the breastwork, they made a desperate effort to dash over it.

In an instant their foes were upon them, and all attempts at defence ceased, with the solitary exception of Col. Almonte, who alone of all the officers endeavored to rally his men, and partially succeeding, although but for a moment, his men running again at the first fire,—he remained upon the spot where they had deserted him, refusing to fly.

The cavalry, who had not participated in the action, but were at that particular time making themselves generally useful about the camp fires, did not wait for the bugle, but each man seizing the first horse that came to hand, not stopping for the usual formalities of saddle and bridle, went off pell-mell over the prairie.

As far as the "Napoleon of the West" is concerned, it is highly probable that had a cup been offered to the victor in the race, he would have won the prize. The Texan battle-cry had been "Remember the Alamo," and the poor wretches now suing for quarter, were shouting in frantic tones all over the field "Me no Alamo."

As soon as it was possible the massacre was checked, but not until over seven hundred of the Mexicans had fallen.

That afternoon and the next day the victorious party scoured the prairie and woods in the hope of finding the swift-footed general and his officers. Cos first made his appearance; and expecting nothing but immediate death, as soon as he was brought into camp he threw himself upon the ground covered with a blanket. Santa Anna was found the next day in the dress of a common soldier, crouching in the grass, but on being brought in was immediately recognised by the men, who raised the cry of "Santa Anna," "El Presidente." When found he was making his way into the "timber" of Vince's bayou. The prisoners, 800 in number, were at first sent to Galveston, and afterwards divided out among the planters for a time.

In 1842 permission was given them to return to Mexico, and Santa Anna issued a proclamation inviting them to return to the arms of their countrymen; but having had a taste both of liberty, and the spurious article of Mexican manufacture, they very coolly replied to his flourish of trumpets with a card informing the gentleman that "they would see him hanged first"—and in about as many words too. Poor Santa Anna, who but a short time before had threatened to carry his victorious standard over the

Sabine, and plant it in Washington, now assumed a tone in keeping with his fallen fortune, and all have heard how with soft words he influenced his captor's heart, although many think a harder currency passed between them.

The battle itself was nothing; it was in fact a massacre, not to be compared with the battle of the Horse Shoe, near the mission "Conception," of which not one in a hundred at the North has even heard; not to be mentioned with the assault of San Antonio, the defence of the Alamo, or even in latter times, Jourdan's desperate fight and retreat, the battle of Mier, or the engagement at Lipantitlan, if you regard disparity of force, duration of combat, or the desperate circumstances of the Texans.

The peculiar time, the events which heralded it, and the wonderful results, have given it notoriety. In describing it there is but little to say; it was the affair of a moment. Like the lightning of the heaven, instantaneous in its action but fearful and lasting in its effects, as the stroke of the omnipotent wand of the Hebrew Seer; it was but a blow, yet the rock of Tyranny was rent in twain, and the pure, fresh, and invigorating waters of Liberty welled forth in an exhaustless stream to fertilize the thirsting land.

The Mexicans were not prepared to expect further resistance, and probably did not know three hours before they reached the field, that Houston was already there. They had imagined the war concluded—the people flying, frantic with fright before them, without the least idea of again offering an armed opposition to the soi-disant Napoleon of the West.

Fanning's small army had been slaughtered—Travis with his handful of men crushed and butchered by a force twenty-five times their own numbers; and it is no wonder that alarm and panic should seize the murderers to find themselves suddenly confronted with something near an equal number of men, with whom they had dealt before and almost learned to consider incarnate devils, not common everyday flesh and blood—men who knew their only hope lay in a victory, and who would fight on until the last soldier should pour his life-blood upon the fated plain—men forced by indignities and cold-blooded treachery, maddened with a demoniac spirit of revenge for friends butchered and homes desecrated—nerved to battle to the last, by the knowledge that with them fell the last hope of liberty—their fathers and mothers, their wives and daughters left a prey to the cowardly and inexorable tyrant.

It is doubtful whether the arrival of Cos improved matters in the least—their numbers were increased it is true, but the increase brought with it at the same time a train of officers, many of whom had met the Texans before, and one of them at least,—the general—had no stomach since the stormy affair of "San Antonio" to fight them with any odds.

Cos was the brother-in-law of Santa Anna, but a feeling of bitter enmity sprang up between them after his disgraceful surrender of Bexar—yielding a strongly fortified town to a force of less than one-sixth his own number.

When reproached by the President for his gross cowardice, he replied:—"Sir, you little know the men with whom you are now contending; by treachery or an immense superiority in numbers, you may succeed in crushing a few, but mark my word, if ever you meet them in the open field, without your force more than quadruples them, you will be defeated, and that, too, at a blow."

So great was his hatred of the commander-in-chief, that not for two hours after his arrival did he report himself at head-quarters, and it was only after he heard the opening cannonade that he did so.

Upon his announcing his presence and that of his corps, Santa Anna, with a cold sneer, inquired, "Well, sir, and where is my command?"

"Dios!" exclaimed Cos, in absolute exultation, "you have no command—you are annihilated in five minutes."

Having safely fought the Battle of San Jacinto, let us return peaceably to the Bay Country and Col. Ting's Plantation, where I will introduce to my readers a queer customer, who made his appearance on the prairie during the early part of the summer.

CHAPTER XXVII.

ANOTHER "STRAY YANKEE IN TEXAS."

PIPE in mouth and book in hand, one afternoon I lay stretched in luxurious ease upon the floor of the cozy piazza of a Texan cottage.

The dreamy god, far from coy, and requiring but little wooing, was fast stealing upon my senses, drawing the mantle of oblivion over them; and no wonder. Upon my moist brow the soothing sea-breeze gently breathed from off a beautiful prairie, an oasis—a perfect bijou of a thing—enamelled and bedight with flowers of all forms and colors, and their hues mingling to my half-closed eyes, made the tout ensemble before them look for all the world like a vast assemblage of Joseph's coats bleaching upon the rich grass, or a second and enlarged edition of the gaudy Spanish blanket upon which I lay my lazy length along.

The hands of the clock, had there been such an article about the premises—which, as the prairie was yet uninvaded by Yankee pedlars, there was not—*would* have been upon the hour of one, and the "*sonans æs*" doubtless had told the same tale, but the shadow of a pillar arriving at a certain mark upon a graduated scale inscribed on, and cut in the porch floor, answered every whit as well.

The day was one of the kalends of July, and a person acquainted with the semi-tropical summers of Texas, must know that this combination of annual and horological time necessarily superinduces an universal drowsiness. All nature, in fact, seemed asleep. The monster grasshopper of the country had ceased his shrill Italian note, the corn-cracke was mute, the tree-toad emulated their silence, the goats, that, browsing about the inclosure, usually filled the air with anything but melody, were quietly snoozing under the shade of the gin-house—no relation to gin-palace, but simply a building like a cider-mill, with an upper story, and used to gin, i. e. extract the seed from cotton—or beneath the projecting and protecting limbs of some large oak :—

> "Recubans sub tegmine fagi."

Happy am I to have the opportunity to so aptly quote the above line, as it is the only one of the entire Eclogues impressed upon my memory, though not exactly in the usual method ; for the impression was not imparted through the head, but quite the reverse,—the fact of the matter being that a peculiar dislike to the use of an able but uninteresting work of Mr. Ainsworth's, and a too great reliance upon my own philological attainments, frequently induced me to render certain passages and words "*con amore*," perhaps, but not "*secundum artem*." So it fell out, upon a *dies infesta*, that I translated *fagi* as *fig* tree, and received as testimonial, from an unappreciative pedagogue, the application of sundry twigs of another tree—known to the learned as the "*betula*"—upon a portion of my corporeal system, whose name bears a striking similitude to the correct rendering of the obnoxious word.

After all, I was quite as near the mark as the poet, who thus gives the passage :—

"O Tityrus, reclining 'neath the shade,
By an umbrageous windmill swift revolving made."

As I was saying—prior to my striking the trail which led to the foregoing episode—my senses were just tottering upon the narrow confines that divide reverie from the Land of Nod, when a heavy step near me recalled my fast-departing wits, and a voice in the once-familiar but long-forgotten tones of my father-land, smote my ear.

"Hello, Mister! how de du? Bin well? Plaguy hot day; Curnil tu hum? You ain't him? No? Jest what I was thinking on! Folks all smart? Guess I'll set down; cheap settin's standing."

At the opening of this extraordinary volley I had jumped up, and saw before me a truly surprising figure for a new country.

The owner of the voice was a ponderous individual, the roseate hue of whose face was rendered ruddier yet from the reflected tint of a huge and flaming red bandanna, with which the owner was endeavoring to check the perspiration which was not *dropping*, but fairly *streaming* down his hemispherical cheeks. A black silk hat, with narrow brim, adorned his head, and despite the great heat of the day, he wore a heavy, new, and shining black overcoat, black frock coat, black satin vest, and black woollen pants, the latter *rolled up*, displaying the white cotton lining, instead of being, "*more Texano*," tucked in his ponderous "pot metal" boots. The arm that wielded the bandanna was poked through the handle of a plethoric carpet-bag, and the other sustained by the means of a huge and nearly rounded paw at its extremity, an extra pair of boots and an umbrella.

Here was a rig for a July day in Texas, with the thermometer at 105° in the shade! and it is not in the least surprising that, when at length I found my voice, I broke out with—

"Who in the name of all the gods at once, are you, and where did you come from?"

Whereat my comfortably-clad friend again opened his mouth and spoke.

According to his story, which was delivered in the richest vernacular of Down-East, a brother of his wife had years previous settled far in the interior of the country, and after having written to him at intervals, describing in glowing language the beauties and fatness of the land, the excellence of the timber, and the manifold blessings attendant upon a residence there, at length himself experienced one of them, in the form of a congestive fever, and went off in a jiffy to explore another country.

Our friend—who bore the very significant name of Green—much affected at his fate, started immediately to see after the effects: with a brain inflamed by floating visions of shingle mills, white oak staves, free pasturage, and last, not least, an abundance of buffalo, bear, and deer, which had been represented to him of almost as accommodating dispositions as the roast pigs in the story, who ran about ready roasted, seeking customers to eat them.

There is a tale told, in the Arabian Nights, of a certain prince "what's his name," who, having placed himself astraddle of a wooden horse, was suddenly and incontinently landed, without any previous preparation, in a strange country, among strangers. Not that this was either the first or the last time that a man's riding his hobby a *peg* too high, has rendered a sudden change of climate equally agreeable and necessary.

Green was in precisely a similar fix. He had lived for forty years in some secluded part of Vermont, knowing nothing of the world, except the limited amount of experience picked up at home; and suddenly, with but a day or two's notice, had started for an eastern port, found a vessel loaded with lime and notions up for Texas, embarked, and, after a short passage, landed in Galveston, probably as verdant a specimen of humanity as ever, at the mature age of forty, escaped from the maternal apron-string, or a wife's petticoat government.

A gentleman in Galveston, to whom he had obtained a letter of introduction, persuaded him to abandon the idea of settling far "up country," and advised him to establish himself in or near the town, and work for a while at some one of the manifold trades which he professed to understand. The merchant, however, soon discovered his protégé to be an intolerable bore, and to get rid of him, inoculated his brain with a flaming idea of the immense profits which would indubitably attend a shingle speculation, and providing him with a letter to Col. Ting, begging him for heaven's sake to set him to work at something or anything, packed him off "up the Bay."

For a time, Green's excessive ignorance and curiosity, combined with a professed knowledge of everything, afforded much amusement, and as there were two bright lads of the respective ages of seventeen and eighteen in the family, ripe for mischief, he had rather a hard time of it.

The difficulty with him seemed to be, that so many flattering opportunities of realizing a fortune presented themselves, that, not knowing which to choose, he appeared in some danger of enacting again the fable of the Ass and the bundles of hay.

He was advised by the Colonel to look about him well ere he plunged into business of any kind, and informed that he would be very welcome to remain with him as long as he pleased, and that horses, guns, etc., were at his disposal.

Strange as it may appear, the new comer had never seen a mule until his advent to Texas; and one—a fine and spirited saddle-beast, with enormous ears—attracted his particular attention. He even went so far as to endeavor to "trade" for him, and although warned by all, of the caution necessary to be observed by every one unaccustomed to the horses, and particularly the mules of the country, yet he persisted in his assertion, that *he* could ride any of them "bare-back." He tried it. One Sunday morning, he thought that a ride up the bayou would be beneficial to his health; and having had "Brandy" (the aforesaid mule) driven up, came into the porch in quest of a saddle. Unfortunately, every one was in use; but the Colonel provided him with a light snaffle-bitted bridle, wherewithal to lead the mule to a near neighbor's, for the purpose of procuring the needful trappings—at the same time warning him to be very careful, or he might expect a severe fall.

About the middle of the afternoon, as the lads and I were standing in the gin-house, in full sight of the road, Brandy made his appearance, trotting along very gently—then stopping a moment to crop a mouthful of anything at hand—then raising his ears, shaking his head, and trotting on again. A few rods behind him followed Green, evidently in a passion, now shaking his fist at his quondam pet, now throwing a club at him, and again attempting to draw nearer and seize the bridle, which was dangling from the mule's head. In the latter attempt he was eminently unsuccessful, for "Brandy" was determined to keep his former rider at a respectful distance.

What had happened was self-evident; and I could not help joining in the roar of laughter with which the boys greeted this first result of Green's attempt to astonish the natives with his wondrous horsemanship. He was much irritated at his reception, and inquired, "If that was decent behavior to a feller-critter that had just escaped the jors of destruction, and might die yet from his hurts?" I finally appeased him, and persuaded him to tell his tale.

He had not succeeded in obtaining a saddle, and foolishly started off without one. "He couldn't get the critter," he said, "out of a walk to save him, and when he tried to git a limb to whip a trot out of him, he'd jerk away, and when he wanted to get off he'd jump, so he jest had to let the consarned beast have his own way."

At length, however, he reached his journey's end, and leaving the mule hitched at the bars, went into the house and remained some hours, which did not in the least improve "Brandy's" temper.

"I got a big gad," continued he, "expecting to work my passage hum, but, by lightnin', he went off like a greased streak, and I couldn't do nothin' but holler, say my prayers, and stick like death to the mane, what there was of it.

"We went through the woods like a steam ingin, and when we got into the parara I looked around for a place to light, but bimeby I lit fore I was ready, and about a rod off, too; and don't you think arter he'd chucked me slap onter the ground and broke, I guess, much's five or six ribs, he jest went on a piece and stopped, and went to feedin'. Then when I cum up near, he moved on, and so he sarved me all the way hum, and I've had to walk much's five mile, all smashed up as I be—and the darned mean critter kept jest ahead, tantalizin'."

We tried to soothe his alarm, telling him that such things were of ordinary occurrence; but this only irritated him the more, and he persisted in considering himself to be morally and physically a deeply injured individual.

To bed he went, and *would* have a doctor sent for, even his habitual economy in this instance failing of its duty; and a remark that the visit would cost him a cow and calf—the currency of the country—or ten dollars, merely elicited the remark that "he guessed he could beat the doctor down, and make him take it out in trade." The doctor, however, laughed at his fears; but Green *would be* and *was* bled, blistered, and dosed, although a second visit from the medicus he could not obtain.

The soreness occasioned by the fall remained but a day or so, yet his bleeding and dosing produced a temporary weakness; and insisting upon being dangerously ill, he kept his bed for a fortnight. At length, one fine morning, permitting himself to be persuaded that none of his bones were broken, and that he had received no internal injury likely to prove immediately fatal, he ventured out, took a short walk, and returned in time to breakfast with the family.

He seemed big with thought; something evidently was weighing upon his mind, and several times during the meal he suspended operations in toto, seeming lost in calculation. I imagined that he had discovered some prominent point on the bayou suitable for one of his manifold projects; but this idea was shooting very wide of the mark. He was only meditating revenge. At last he broke forth.

"I've been thinkin, Curnil," said he, "if that consarned long-eared critter was mine, and warn't worth too much money, I'd shoot him."

"Indeed," replied the Colonel, "perhaps I would part with him if you cannot ease your mind in any other way. I have always considered his value to be twelve cows and calves, but under the circumstances, you may have him for a hundred dollars."

"Jerusalem, Curnil, I couldn't stand that, but I wouldn't mind givin' fifty cents for a chance to give him a right down good lickin', and make him feel cheap—the nasty beast."

"Well, sir, if it will really relieve your feelings, I have no objection to your administering a practical lesson to Mr. Brandy, upon the glaring impropriety of his conduct—although I must decline your fee."

Our Yankee jumped at the offer, and seizing a long-lashed cow-whip that hung in the hall, made directly for the stable-yard, which was near the house, the back doors of the negro quarter opening upon it.

"Now," said the Colonel, "step into my room a moment, and let us listen; after he is fairly warmed up with his work he will not mind our seeing him; there will be some fun, depend upon it."

Brandy having finished his morning repast, had been turned loose, and was standing very complacently in the centre of the yard, when Green, whip in hand, clambered over the fence, and the following dialogue ensued, for monologue it was not, since Brandy sustained his part with much spirit.

Green *loquitur.* Well now, you nasty, tobaker-leaf-eared, hipercritical critter, don't ye feel cheap, eh?

Brandy preserves a dignified silence, intimating, by the flapping of his ears, that he perfectly understands what has been said.

Green. There, take that (attempting an application of the whip, and only succeeding in getting a smart rap with the snapper upon his cheek). Rot these darn fool whips!—as long as the moral law'n the ten commandments with the hull book a Revelation for a snapper.

After various attempts, Green began, as he said, "to get the hang of the thing," and then commenced a race around the lot, the Yankee cracking away at the mule and getting rather the larger share of the lash himself, until he finally cornered his antagonist in a kind of cul-de-sac, formed by the junction of the fence and stable at a very acute angle.

Green. There, now, I guess I got you, and we'll begin to settle up. (Crack, crack, crack.)

Brandy lays his ears back perfectly flat, and drawing his hind feet half-way underneath him, quivers all over with rage.

Green. Ah, you don't like it, do ye? T'aint quite as good fun as chucking me a rod onto the parara, is it now? (Crack, crack, crack.)

The mule drew his fore feet back, until they joined the hinder ones—a peculiar twitching motion of his latter end betokening to an experienced eye that something might shortly be expected from that quarter.

At this moment our friend's lash caught round the mule's legs, and the stock was jerked from his hand. He stepped forward and stooped to pick it up, when quick as lightning, the mule let fly a pair of heels, which sent Green's hat a perfect wreck, spinning across the yard, then turning short in his tracks, dashed out of the corner, knocking Green head-foremost into a pile of fresh manure.

Green jumped up in a moment, perfectly maddened with rage, and jerking a rail from the fence, made at the enemy.

"Look out, man, that mule will kill you!" cried the Colonel—but too late. Green had already struck at the mule, who parried the blow with her heels, knocking the weapon *over* the fence, and the man *under* it, and then open-mouthed rushed at him.

How the Yankee evaded him I know not—the whole thing was done so quickly—but evade him he did, and dashed across the yard, where an open doorway (through which protruded any given number of young negroes' heads, exhibiting an extensive assortment of ivory) offered shelter.

Through these he rushed, making a general average of broken heads and bloody noses, and his foot tripping, he plunged headlong, catching with both hands the rim of a huge wash-tub, which was at that moment in the use of a big, greasy wench, and pulling *it*, its contents, and the wench, above all, right upon him. Dripping like a Naiad, he emerged from the other door of the cabin, his courage completely cooled by the wholesale administration of warm, oleaginous suds, although perhaps not perfectly satisfied with the hydropathic treatment of his complaint.

A day or two after this escapade, I happened to be in the field near the fence, with but a small strip of cane intervening, so that I could distinctly hear any person who might be speaking on the outer side, while remaining myself unseen. Presently I heard Green's heavy step—tramp, tramp, tramp, upon the hard trodden path. Then it ceased,—a halt evidently,—then a prolonged whistle, which always with him betokened astonishment—at last came the voice.

"Oh, git eaut! Now aint ye a beauty? What do you call yourself when you'r tu hum, and what was your name afore you come to Texas? Show yer teeth, and grin like a chessy cat, will you? Why don't ye travel? Are ye sick er tired? I swanny if you don't travel, I'll make you—there, take that!" A *sugging* sound here intimated that somebody had kicked something; and then the voice again—"Well, I vow to man, if he ain't dead aready; who ever see the beat of that? Je-rusalem! if it ain't a rat, ater all; what a powerful tail! ain't that a mouth! guess I'd like to see the egg big enough for you to suck; if you didn't smell so strong, I'd carry you hum, by ginger! Well, I never, if this don't beat all." Here another whistle was heard, whose lengthened sweetness long drawn out, assured me that the oration was finished; and off he went.

I stepped up to the fence, and there upon a little knoll lay a poor 'possum, rolled up like a ball, to all appearance as dead as a mackerel. Presently, however, one little bright eye half unclosed, then opened entirely; then the other; the head was turned in the direction of the retreating enemy, and no danger appearing from that quarter, first one paw, and then another, was put forth, as if to ascertain the extent of damages received, and apparently not finding them severe, the poor thing, in its humble way, commenced sneaking off. A sharp rustle in the cane checked its career, and,—like Kirby,—it died again.

There I left it, determining to be in time to enjoy Green's account of the new mare's nest which he had discovered.

The man had been so laughed at and quizzed by the lads (indeed no one could have listened unmoved to the tales of wonder, and witnessed his mode of "actin' em eaut") that tired of their ridicule, when he had anything to tell, abandoning the parlor, he sought refuge in the kitchen; for tell them he must, or die of suppressed marvels, and he preferred a negro audience to none at all.

The kitchen in the evening was the rendezvous of a queer patriarchal old negro, named Tom, and his family. There were Old Tom, and Young Tom, and Little Tom, and the dog Tommy, one more than Marryatt's Dominee discovered—but, in compensation, they claimed a less number of tails—always to be found after supper, when not engaged in hunting.

The old man had been the "hunter" upon a large plantation in Alabama, and had not forgotten the art, although two of his sons, Tom and Buck, now killed the most game.

There was one singular thing about them. Tom never failed when geese, turkeys, or anything that wore feathers was in question, but had never shot a deer. Buck, on the contrary, was the most skilful deer-hunter in the country, yet always missed the birds.

This was the society which Green sought, to unburden his overtasked bosom of the miraculous events of the day; and it was a perfect study to see the old grey-headed negro leaning his head upon the "manteltree," gazing in the fire, to prevent the commission of so gross a piece of disrespect as laughing in the man's face, yet quivering all over with the attempt to prevent it.

Tom and Buck, after listening awhile, usually adjourned to a neighboring grove, and there woke the night with their long-suppressed shouts.

On the outside of the cabin the Colonel's sons stood, so as to listen, and peep through the crevice, enjoying the scene, but unobserved themselves.

Green soon announced his intention to go out and kill a deer, and accordingly borrowed a rifle ; the dogs he could *not* borrow, for we had all seen too much of him to intrust them to his care.

Resisting all efforts upon the boys' part to accompany him, he started off early in the morning, crossed the Bayou, and went over to the large prairie where deer are more plenty than I have ever seen them elsewhere. However, despite their abundance, he returned at night without game, and in a great rage, denouncing a certain Captain White—who lived some distance down the bayou,—as the "stupidest fool he ever see."

It appeared that our friend had found several fine droves of deer, and tried the very original mode of walking up sufficiently near to shoot them, but finding that this would not do, he conceived a new and brilliant idea. As to all appearances they were very tame, and when startled by his proximity ran but a short distance, and then stopped, he imagined there would be no difficulty in uniting the droves in sight, and then driving all into White's cowpen, there to make a regular battue.

After manœuvring, and walking, and running all day, he at length succeeded in getting a large number very near the desired spot, and keeping not more than an eighth of a mile behind them himself.

But White who was sitting on the fence, wondering what "that fool stranger" could be doing now, disregarded all his signs about letting down the bars, and when the deer, giving the pen a wide berth, trotted off again into the wide prairie, and Green came up in a rage, he was well laughed at.

All that we could say would not convince him but that the deer would have gone quietly into the pen, and remained peaceably there.

The last of Green's performances that I witnessed was his sudden exit from the back of a spirited "Creole" pony which he *would* ride, in the hunt of a wild mule. His horse, perfectly trained to the business, was close upon the mule's heels, and seeing the latter turn, wheeled in his tracks, while Green went on. This was upon the edge of a water-hole, and our friend received a good ducking, and some bruises.

As long as he remained upon the prairie, his excessive vanity and extensive knowledge led him into fresh difficulties; he started a brick-kiln, burnt a coal-pit, cut cord-wood, bought a market-boat, and tried trading upon the bayou, but finally was forced to return to Galveston, and go to hard work as a blacksmith, in order to earn money enough to pay his passage home.

An event that occurred during this summer, in our usually quiet settlement, must not go unnoticed, and to it shall a long chapter be devoted.

CHAPTER XXVIII.

GENERAL BRIGHT'S TOM—A DARK STORY.

THE character of the Southern negro is but little understood at the North. Their infirmity of purpose, their impotence to understand or contend against argument, the facility with which they can be persuaded to anything by a white man whom they deem a friend, and their savage vindictiveness of temper when provoked, are such that one shudders with horror at the inevitable consequences of their being turned loose *en masse* to shift for themselves, a prey to all the dark master spirits among them.

The plantation of General Bright was delightfully situated upon the bay, along whose banks it extended for more than a mile. The soil was excellent, as the prodigious growth of weeds in his field proved, and unfortunately they also gave in very clear evidence of great neglect, upon the part of the owner, and equally great incompetence on that of the overseer.

Public business, heavy law suits, in which he was professionally engaged, and extensive speculations in land, occupied much of the General's time abroad, and required his study when at home. His overseer, a lazy German, utterly unfitted for his situation, and far more of a companion than a master for the negroes, was in consequence cordially despised by them, as coming within the list of "poor white folks," a class they think almost beneath contempt.

As an illustration of the manner in which the work was done, or rather left undone, upon the plantation, I will mention an incident.

One fine summer morning I mounted my horse some time before sunrise, with the intention of visiting the General upon some business. I made so early a start because I knew he was to leave for Houston after breakfast, and during that meal I could arrange matters with him.

As I approached the field fence, by a road cut through the heavy timber that everywhere skirts the shore, I fell into pleasant reverie, induced by fresh air from the bay, the songs of a thousand birds, and the perfume of countless flowers, whose beauty captivated my eye, and whose odor charmed the senses. I let the reins fall upon the neck of my horse, who seemed to be as much pleased as his master, and walked along very leisurely, making no more noise than a cat, upon the heavy carpet of leaves beneath his feet.

I was at length aroused by an abrupt pause upon the part of the animal, who evinced great uneasiness, snuffed the air with suspicion, pawed the ground impatiently, and becoming satisfied that a screw was loose somewhere, made an effort to turn back. I, however, forced him to go on, and soon came in sight of something that puzzled me not a little. In a cow-pen a short distance before me I saw a number of arms and legs in most violent motion; so rapid indeed that I could not estimate their number. My horse progressed from snuffing to snorting, and from exhibiting a disinclination to proceed, to showing a very strong determination to get out of the scrape, even if he had to run away to do it. A severe application of the long and sharp rowels of my Mexican spurs, brought him to his senses, and a spring or two carried us abreast the object of his dread, and my wonder. In the middle of the cow-pen, where his body had been partially concealed from me by the trunk of a large tree, was a negro dancing most vigorously *at* the post—or "poteau," as it is termed—that stood there. So occupied was he, that he neither heard nor saw me, but continued his extravagant saltatory exercise. He would bow to the post, jump up and kick his heels together, shuffle upon the heel and toe, meanwhile keeping his arms in motion like the sails of a windmill.

An empty pail in one corner, and half a dozen calves standing very placidly by as many cows, and all gazing with meek wonder, and perfect quiet—save when one of the small fry would seem to attempt an awkward imitation of so unapproachable an original—proved that the chance of milk for breakfast was rather dubious.

With us, the calves are permitted to take the latter and better half of the milk, but in Texas the invariable custom is to turn them in first, and after allowing them a fair share, to drag them out again. A Texas cow, denied the privilege of attending to the wants of her offspring before all others, would refuse peremptorily to stand and deliver her milky treasures.

The whole thing was self-evident. Berry had turned in his calves, and intended to amuse himself with practising a few of his peculiar steps—perhaps a new pas, for he was the beau *par excellence* of the plantation—while they were breakfasting; but becoming excited by the dance, enchanted by the amiability of the young lady represented by the post, or perhaps intent upon the execution of some marvellous *entrechât*, he had forgotten the world and all its cares, and might for all I know, have worked away until noon, had not a peal of laughter, no longer to be repressed by me, awaked him very suddenly. His surprise and alarm were about as ludicrous as any part of the performance. Catching hold of his top-knot—where his hat should have been, if he had not danced it off—he jerked a bow to me, then dismissing the calves in a fury, he fell to work upon the nearest cow. The animal looked around with an expression of great disdain, and slowly raising her most convenient foot, sent Berry and his pail rolling upon the ground; then walking to the bars, turned round facing the enemy, and evidently enjoying the fun.

The negro jumped up in confusion worse confounded, clapped the pail on his head in lieu of his hat, discovered his mistake, pitched it off again, and then seeing that I was sitting very quietly, and exceedingly amused, he thought it best to say something.

"Mornin', Massa Phil, berry fine mornin' dis ere to be ridin' out in; 'pears Massa gwine to breakfas long wid de Gen'l."

"Yes, very fine morning, Berry, and a fine tumble you've had, and a fine lot of milk you'll *not* have, I should think, by appearances."

"Hi, Massa, dog on de cow anyway"—throwing a club at her, which mark of attention was received with rather an ominous bow upon the animal's part—"yes, Massa, dern no 'count calves done fool me agin."

"Fooled you again, Berry? Why, boy, you've fooled yourself, and your master."

"Now look heah, Massa Phil, I told you de truff; dem calves de smartest critters you eber see; dey gits out o' de pen, and gits all de milk, and den jumps back agin, so I shan't catch 'em at it. I wer jest practizin' long wid Miss Post dar, and waitin' for 'em, but dey didn't get de fust drop, Massa—dey done got it all afore."

"Well, that's a very fine story, Berry, but what will Mr. Donks say to you?"

"Oh, I don't keer for Massa Donks; ain't much 'count no way."

"I believe you, Berry; but the General will miss his milk and give you an overhauling."

"Ain't gwine to, Massa Phil. I tell him bout what smart calves he's got, den he laugh and forget all 'bout it."

So it turned out, and so everything turned out upon the General's plantation. The negroes, free from any proper control, did as they pleased, and far from being of any use to themselves or others, were universally esteemed a public nuisance, and ordered to keep at a respectable distance from the few plantations in the vicinity.

With two exceptions, the negroes were naturally good enough, and under a careful master would have been valuable hands, but among them were two that were the dread of the settlement—an old family nurse named Milly, who had perfect liberty from her master to go and come as she pleased, enjoyed the reputation of a witch among the blacks, who obeyed her implicity, and among the whites was believed to be at the bottom of all the deviltry among the negroes for fifty miles around; the other was a very powerful man named Tom, whose former owner had sold him to the General for a song, being impelled thereto by personal fear, and the fact that one of his slaves, who had offended the rascal one day, was found in a gully dead, and evidently murdered, on the next. Some inquiries were instituted without satisfactory result, and it was supposed that the planter, having lost one negro, did not wish to lose another, so that the investigation was not very rigidly conducted by him at least.

General Bright had several carpenters employed in finishing a new house, to replace one that had bee mysteriously burned. With one exception, these men were all strangers, men that wandered about, not having been regularly brought up to their business, but knowing just enough to handle a plane and broad-axe, and without any fixed home, they worked at anything that happened to present itself.

In the Texan vocabulary, all men who have a mere inkling of any trade or profession, are called "jack-legs." You will hear of "jack-leg" lawyers, "jack-leg" preachers, and "jack-leg" doctors.

These men were "jack-leg" carpenters.

Not far from the General's plantation lived an old sailor known to everybody as Jack Rowse, or more usually Jack—and a thorough jack he was at almost all trades; carpentering, boat-building, seine-making, clearing, farming, all came natural to Jack, who cultivated a small field, and managed a small stock of cattle, the property of two orphan boys. Jack had been for years an inmate of the house, and a familiar of the family, and when the father, and soon after the mother, fell victims to the fatal fall fever, Jack established himself as the guardian of two lads of the respective ages of twelve and eight, and performed his duties so well that no one thought of disputing his title to the post.

Among the carpenters was one named Deane, entirely unknown to any of the Bay settlers. He had fraternized with Jack, probably in order that he might have the use of an excellent grindstone belonging to the latter.

One Monday morning, Deane walked over to Jack's to grind a number of plane bits, but did not return. A messenger was despatched by his comrades in search of him, and learned that he had been at Jack's, ground all his bits, and set forth upon his return at about 11 A.M. The distance from the spot where he had been at work to Jack's house, was not over half a mile; the plantation fence itself was not more than one fourth of that distance, and would have been very plainly visible but for a small strip of wood that extended on both sides of it. Although there was not another house within three miles, this disappearance did not excite any particular apprehension at the time; for, from what little was known of Deane, he was supposed to be a roving character, here to-day, and gone to-morrow. It was also known that he had some acquaintance among the boatmen of the Bay, and it did not seem impossible that he might have met some of them while returning to the General's, and been persuaded by them to go down to Galveston on a frolic. It was known that he had obtained some money on the previous Saturday from his employer, who, on the eve of departing for Houston, had paid off his workmen.

A discovery was made, however, in the course of the week that excited great apprehensions for his safety. There lived upon the bayou, some six miles distant, two or three families who supported themselves by cutting cordwood, and selling it to the Galveston boatmen. With these Deane had some acquaintance, having occasionally made a few trips upon some of the boats.

On the Sunday previous to his disappearance, he had walked over to the bayou and spent the day there. He was in a very gay and talkative mood, boasted of being about to leave for New Orleans, whence he intended to go up the river, and visit his parents, and exhibited a valuable gold watch and chain, and a handful of gold, of which he said he had five hundred dollars about his person—a prodigious sum in the eyes of his audience.

The matter now assumed so serious an aspect that Col. Pratt, an intimate friend of the General, and a man of wealth and standing, determined upon a thorough search for the body, supposing that the rumor of the money that Deane carried about him, might have reached the ears of some of the boatmen—among whom were those of more than dubious character—and that, returning from Jack's, he had been set upon and murdered, while in the piece of woods between the two houses—a little prairie of perhaps two acres, and a small newly-cleared field being all the open ground from Jack's door-yard fence, to Gen. Bright's new house. The whole wood was searched over, but in vain, and the first week passed away without any clue to the missing man's fate.

Jack Rowse, with whom—owing to some skill in boating and fishing that I possessed—I was a great favorite, came up to see me, and induced me to go carefully over the ground with him. Jack felt very badly from two reasons. He was evidently grieved at the man's probable fate, and feared that in some manner he might be implicated, although the two boys were present during the time of Deane's visit, and in fact hardly out of sight of Jack's during the remainder of the day.

On the afternoon of Wednesday of the ensuing week, Charles, the elder of the two boys—now a bright lad of fourteen years, and as knowing in signs and trails as an Indian—rode up to old Doctor Wheaton's, where I had been for the day, and called me out of the house. He had evidently ridden hard, and was very much excited.

"Heavens, Charles," said I, "what is the matter? Have you found Deane or his body?"

"Yes, sir," he answered. "I found his body, and Rowse is in a terrible way about it. He wants you to ride down immediately, and bring five or six men with you, and to be particular who they are. I heard that you were at Col. Pratt's, and when I found that you were here, I didn't want to let on anything about it, but he saw how queer I looked, and I had to tell him. Rowse says if he had found the body and told of it, it wouldn't be so bad, and he wants to know if you don't think we had better say we found it together?"

"By no means, Charles," I answered; "no honest man will accuse Rowse of having anything to do with the matter, and as for the others, who have probably had a hand in it, and may wish to throw the guilt upon some one else, we are too strong for them, and know them too well besides. You must not think of deviating a hair's breadth from the truth, for if you are questioned, you would be sure to betray the prevarication, and then there would be trouble in earnest. But where did you find the body?"

"Right between the house and the field," said Charles, "and not ten steps from the path to the General's."

It appears that Rowse and Charles had been working for several days in the small field within a stone's throw of the spot where the body lay concealed, and had noticed at times a peculiar and unpleasant odor, but without having the most remote idea as to its cause. Charles had been sent to hunt up a pair of oxen, and not being able to find but one of them, remembering the effluvia that had filled the air for the week past, and thinking that the missing ox might have been killed by some accident, and be the occasion of the smell, endeavored to find the spot from which it proceeded. He examined the thickets around the little prairie carefully, passed and repassed a small clump of sassafras, without peeping in it, but at last had his attention attracted to it by the flocks of carrion crows, and buzzards wheeling and circling above it.

The cluster of bushes was not more than ten feet in length, and about half as many in breadth, but the young sassafras shoots were thick and straight as young cane, and perfectly defied visual penetration. It would almost seem that the spot had been especially contrived to cunningly conceal some such deed as it now did. The bushes grew in a perfect oval form around a spot of bare ground, just large enough for the body of a man to lie upon at full length. Charles parted the bushes, and there stiff and stark lay the horrid corpse of a man, stretched out upon his back, with his arms extended behind his head, as if he had fallen backwards and expired in a fit. The eyes, fixed and staring, seemed to gaze in an awful manner upon the sky, and had doubtless protected the body from the ravages of the obscene birds that flitted ever near. The filthy charnel beetle and the loathsome worm, however, were not to be so deceived, and had claimed their dues.

Charles, frightened at the horror before him, and almost fainting at the fetid odor, scarcely glanced at the dread object, and rushed to the house to call Rowse. The old sailor, not so easily daunted, examined the body more particularly, taking especial pains to stand in the footprints of Charles, and to disturb nothing either on the ground or among the bushes. One of the hands of the dead man grasped a long butcher knife, in the other were the plane bits; while on the ground, and immediately under his armpits, lay two large watermelons.

Charles—who would not venture upon another sight—upon hearing his companion's description of the body and its accessories, immediately declared that the man had been killed, and then placed so as the idea might be received that he had died a sudden, but not violent, death, but Rowse inclined to the opposite belief.

CHAPTER XXIX.

GENERAL BRIGHT'S TOM, CONCLUDED.

HAVING obtained the assistance of some half-dozen men, and among them the old doctor of the settlement, and a young but very skilful surgeon, a German, who had served professionally in the army, and was then living on the Bay, I set forth for the scene of the murder, or whatever else it might be. Upon approaching the place I begged my companions to keep away from the spot until Dr. Graam—the surgeon—and I, had carefully examined the ground about it; but as we rode up to the field fence Col. Pratt, with two others, came in upon the other side at full gallop, and throwing loose the reins of their horses, hastened to obtain a view; and my men, unable to resist the temptation, immediately followed their example.

I will not dwell upon the shocking and revolting sight that met our gaze. One look was enough for all except Graam, who, more accustomed to such spectacles, proceeded to examine the body as well as he could.

Rowse, who then came up, went to his assistance; and the two reported to us that the right shoe was only partly upon the foot, the left had, apparently, been put on hastily, and that both strings were broken. The clothes appeared to be somewhat drawn up, but so far had decomposition progressed, that they could not ascertain correctly.

A nephew of Gen. Bright's, with the carpenters, arrived at this moment, and the former, taking Pratt aside, held a close and animated conversation with him. One of the Carpenters asked Rowse if he had observed the butcher's knife when he was at his house for the last time.

"Yes," replied Rowse, "and he said he took it away from Tom, who had been in the bush for some time; and just as Deane came to the fence, there sat the nigger on the ground asleep. Deane tried to make him go home, but couldn't, and after a tussle got the knife away, and Tom run off."

"Good heaven," exclaimed Graam, "why didn't you say so before? That black scoundrel is the murderer; for that man's been murdered, or I know nothing about death."

"No such thing, doctor," said Pratt. "I've been talking with Mr. Bright about it, and he is very sure the negro came home on Sunday night, and was at work all day Monday in the cornfield."

"Yes!" added Bright, "and *I* want to know two things. Who besides Rowse saw the knife in Deane's possession? I don't wonder Rowse feels uneasy; although I am sure Deane helped himself to a pair of watermelons out of the patch in the field, and had just sat down to eat them when he was taken with a fit. I also want to know of *you*, Dr. Graam, what authority you have for asserting that the man was murdered."

"Because, sir," replied Graam, "no man's body could present such an appearance after death caused by a fit of any kind; there would be a contraction of the muscles and distortion of the limbs. And I am, moreover, certain that the death-blow—administered by whomsoever it may have been—was as instantaneous in its effects as the lightning from heaven." (Here one of the carpenters approached the speaker, and a word or two in a low tone of voice passed between them, when the doctor went on.) "As to your assertion that Tom was at home on Monday, I know the reverse to have been the case. I was at the plantation on Monday evening, and he had not come in then; and, moreover, your overseer told me so himself. If he came in on Monday at all it must have been late at night."

"I can tell you, Graam," retorted young Bright, "my uncle is absent from home, but I shall protect his property. Here is a man found dead, and so you would like to take one of our negroes and string him up without knowing anything about the cause of the man's death; without having anything like proof that he met with foul play; or even if you knew he had been murdered, without the slightest shade of evidence against Tom."

"Permit me to say one word," said I. "We have no idea of hanging the negro; not one word has been said about it in any way; but we intend to investigate this matter thoroughly, and the more so, because there is convincing proof that the man *has* met with a bloody end. Had he fallen in a fit those large melons would have broken, and, moreover, they would not have remained in their present position; then, again, it would be an utter impossibility for any one to carry them under his arms, were they not more than of half the size. See, one hand is occupied with a knife and the other full of plane-bits. How came one shoe to be off, the strings of both to be broken? How came the man's clothes drawn up? I will tell you: he was killed, and then dragged by the feet into the bush."

Not wishing to enter into a controversy, I now went round upon the south side of the little thicket, where, as yet, the grass was undisturbed by foot-prints. I spoke quietly to Charles, and unobserved, we commenced a close examination of the ground. At the end of the bushes we found two that had been partly broken and then apparently set up again, although the breaking might have been done by cattle, or even by the man, if it were possible that he had entered alive. We could find nothing on the ground or in the grass to satisfy us; still it did appear as if something had been dragged over it; but knowing the suspicion that dwelt in my mind, I determined to say nothing at present, but to survey the scene in detail on the next day.

Returning to the disputants, we found that from words there was some prospect of their proceeding to blows, and nothing but a determined interposition on the part of the rest prevented it. No new fact had been elicited, except that a planter, who lived a mile farther from the spot than General Bright, declared that he heard a loud shot on the Bay shore at precisely half-past twelve on the said Monday; and Rowse and Charles also remembered having heard it, although until it was mentioned, the fact had passed from their minds, the occurrence being of so common a nature, and at the time there was no cause to particularly direct their attention to it.

The shot was, by the planter's account, in the direction of the spot where the body lay; and Rowse, who was upon the other side, was very sure the report was in the direction of the General's plantation.

At this moment two of the carpenters, who had slipped quietly away, returned with Tom in custody, and accompanied also by old Milly, who made a great outcry, and said that she had been by the spot where the man lay every day since he had disappeared, and pretended to be very much frightened at the great danger she had incurred in so doing.

Pratt bade her be still, for, said he, "if there's been any mischief on foot, old woman, you have been at the bottom of it."

He then caused the negro to be taken where he could see the remains, but Tom exhibited not the slightest emotion of any kind.

"Tom," inquired Pratt, "when did you last see Deane?

"Not for more'n tree week, massa," the negro replied.

"How came your knife by him then?" demanded Pratt.

"I done leff him home when I took to the bush, sa," answered Tom.

"I tell you what, gentle*men*," interrupted the head carpenter, "I have a word or two to say. This man has been killed, and if he has no friends to revenge him, *we* will. That nigger's got to speak, so, boys, let's put a rope round his neck and choke the truth out of him."

"No, no," said Pratt, "hear me first. General Bright is away, but will return to-morrow; and his nephew has requested me, during his absence, to stand in his place. I make this proposition to you. The negro shall be placed in your hands for safe keeping, and you must give me your words that you will not injure him in any way, nor attempt to extort any confession from him until his master's return. You know that the general will see justice done; and you also know how shrewd he is, and how far he can see into a dark question. He will probably return to-morrow. Will you take Tom on these terms?"

After a few minutes' consultation they agreed to the proposition; and then the question arose as to what disposition should be made of the body.

"We must even bury him as he lies," said Pratt; "when it is possible, his bones shall have a coffin and a funeral."

And so we buried him; drew the earth and heaped it above him. A horrible burying, but all that we could do.

A feeling of deep sadness took possession of us all, and the three parties mounted their horses in silence and rode off. Before I had ridden ten rods, Charles came galloping up, and said he wished to speak to me.

"What is it, Charles?" said I.

"I want to know what we shall do!" he replied.

"It is now growing dark," said I, "and you can do nothing. Early to-morrow morning you had better take a wide circle around the cluster of bushes, and walk round and round, drawing slowly in towards them, and examining closely every bit of the ground that you pass over. If that man was killed, he was not killed where he now lies; and such a deed cannot have been committed without leaving some trace. Whether you make any discovery or not, ride up and see me. I shall stay at the doctor's for a day or two." And so we parted.

But on the next day the windows of heaven were opened, and the rain—as if sent to wash the blood from the earth's bosom—descended in a continued torent. So violent was the storm that stern necessity alone could induce any one to leave the friendly shelter of his roof-tree, and all perquisition and search regarding the fatal affair, would have been in vain.

On Friday morning the sun came forth bright and glorious. After waiting some time to hear from Charles and Rowse; the elder doctor—the younger was down with the ague—a neighbour, and I, had caught up our horses to ride down to the shore, when Charles made his appearance, seeming very much excited.

He was very sure that he had discovered the place where the deed had been done. Pursuing the course that I had advised, he came upon a bare spot, and he stooped down to examine it closely. The grass had been trampled down and was quite dead, and looking from the place to the cluster of bushes, it was very plain to see that something had been dragged from the former to the latter. The rain of the previous day, that had invigorated the grass around, seemed to have borne to the ground all that over which the body had been drawn. The reason for this was obvious. All the herbage in the vicinity had previously become quite dry and drooping, and as the distance between the two places was not more than five or six rods, it required but little ingenuity for the murderor to brush up and arrange the portion over which he had drawn his guilty burden. The rain that invigorated the surrounding grass, crushed that to the earth.

On arriving at the place we found that Charles was perfectly correct in his assertions. Nor was this all. Upon examining the earth, it appeared to have been completely soaked with blood, and in it, the vile beetle was at work. The peculiar and fetid odor, alone, was sufficient testimony.

Taking a small portion of the earth, I wrapped it in a piece of paper, and immediately rode across the prairie to Col. Pratt's. I found him at home, seated upon his piazza, and without any preliminary conversation produced my parcel, and requested him to examine it, and to tell me what the strange smell that pervaded it was like.

He answered immediately: "Why, sir, this came from the earth upon which Deane's body lies, there is no mistaking it."

"No, Colonel," said I, "it did not; but it came from the spot upon which he was murdered, and where his life-blood was poured out."

I then explained to him all the circumstances, and he admitted that we were doubtless correct in our conjectures with regard to the murder.

"But," said he, "the General has returned, and we must go over at once and inform him."

We did so, and found the general quite prepared for such a communication. As soon as he had reached home, and heard the facts, he had made up his mind that murder had been committed; and immediately taking Tom, had whipped him very severely. At first the negro was obstinate and pleaded innocence, but finally confessed, that while in the bush he came across Running Jack—a negro quite as notorious in Texas as "Three Fingered Jack" of the story book ever was—that Jack witnessed the tussle between Deane and himself, and endeavored to persuade him to a bloody revenge, and when he refused, that Jack, threatening to shoot him if he interfered, took his musket, crouched down in a gully near the path, and when Deane came along, shot him down, and then cut his throat. Being terribly frightened, he made his escape from Jack when the latter was asleep, and then went home to the plantation.

"This," said the General, "is Tom's story, and I have no reason either to believe or to disbelieve it; but one thing is certain, we must procure all the assistance that we can, and drive every thicket about here. If Tom's story be true, there is little doubt but that Jack is yet about, and must be hunted down, or he will do more mischief. This must be done immediately. To-morrow will be Saturday, and if you, Mr. P., will go up prairie and raise what men you can, and also send some one to the upper settlement, and a third person across the Bayou, I think that by Sunday morning we can muster sixty or seventy men. If possible, let them rendezvous as early as ten on Sunday morning at the doctor's; then spread your line well across the prairie, and drive down to the shore. If Jack is about, we will have him. I shall not leave the plantation while my scoundrel is here, and as the whole settlement is very much excited, I would wish to keep Pratt here also; for though I am determined to see justice done, I am also determined to have it done legally, or at least after due consideration in the premises."

I informed him of my willingness to aid him in the affair in any manner; and after some more conversation, and settling definitely the course to be pursued, took my leave.

Early the next morning I left for up-prairie to beat up recruits; two others having gone in different directions for the same purpose; and by Sunday, at the appointed hour, so well had we succeeded, that some eighty men, well armed and mounted, met at the rendezvous.

Spreading ourselves out, we commenced driving down towards the shore, drawing every thicket carefully, but all in vain—no Running Jack was to be found. At 1 P.M. we had gone over all the ground, and met at Rowse's field. Dismounting, we hitched our horses to the fence, and went in a body to the scene of the murder.

As carefully as we had covered the body, the heavy rain had washed away a portion of the earth, and left exposed an arm and hand.

The arm was extended, and the hand opened, as if pleading—not for "the voice and utterance" of our tongues, but for vengeance, speedy and sure.

The effect of this horrible spectacle was terrific, and if the negro had been upon the ground, his life had not been worth five minutes' purchase.

Americans, however, even when terribly excited, do everything in a formal manner, and although flying in the very face of the law, proceed in a systematic and ceremonious way about it.

While we were organizing *pro formâ*, a new comer arrived from Houston, and brought the intelligence that Running Jack had been taken beyond Austin, and three hundred miles away from us, a day or so before the murder was committed. This seemed to settle all question with regard to the guilt of the accused, and there is little doubt but that he would have met with a speedy retribution, had not the arrival of young Bright, with a request from his uncle that we would all ride over to his house, interrupted the proceedings at first, and then incidentally broke up the meeting.

Dr. Graam arose, and asked us to refuse the General's request, until we had arranged in what manner we should appear before him; whether as his guests, or with a formal demand for the person of Tom. Bright replied to him in an insulting manner, and in an instant issue was joined. Such a fight I had never witnessed before, nor do

I wish to witness again. They were both unarmed; the one weak and reduced by fever, the other a puny youth; grappling each other with the ferocity of bull-dogs, but without the power to do any serious bodily harm, they rolled over and over upon the ground, and for a long time all attempts to separate them were useless.

Finally, a small squad of men, disgusted or wearied, mounted their horses and rode off; others followed, and when the two combatants—entirely *hors du combat*—were at last pulled asunder, but few remained on the ground, and those few immediately followed on to the General's.

When we arrived at the plantation, we found him addressing the crowd. He stated that he had now no doubt of Tom's guilt, and that he pledged his word to place the prisoner in Houston jail immediately, and to assist in the prosecution; but he also said that he questioned whether there was sufficient testimony to convict the negro. He spoke long and well, and when he concluded, some accepted his invitation to dinner, and others rode off without it.

The General kept his word, although with difficulty, for before he could lodge the negro in jail, the latter made his escape three times, and was as often retaken—once after he had been off for two weeks.

When Tom was incarcerated, the jail had no other tenants, but soon after, two white desperadoes were placed there to keep him company, and the next night the three disappeared.

One was retaken months after; and from him it was learned that Tom had been taken far off and sold. This proved to be true, and it was also true that he deserted his new master the next day, probably to be sold again.

A negro answering his description, was just at this time sold to a planter in Louisiana, near the Texas line, and within a week, was found in the woods near by, with his throat cut from ear to ear—a fate not surprising at all under the circumstances—the death wound having beyond doubt been inflicted by the man who ran him off, as a precaution to prevent discovery and tale-telling.

In conclusion, I will state that after Tom's incarceration, he confessed the murder, but expressed no sorrow for the deed—only regret that he could not also kill his master.

CHAPTER XXX.

THE CRISIS.

During the occurrence of the events recorded in the previous chapter, Col. Ting had been from home, nor did he return until Tom had been lodged in jail. I was sitting upon the piazza, one fine evening in the end of August, when I perceived the Colonel riding briskly along between the two islands that separated us from the main prairie; and calling one of the boys to take his horse, I walked out to meet him.

He was particularly silent and reserved, and had an expression of countenance that puzzled me. To my inquiry of "how he had succeeded, and if anything was the matter?" he replied that he had been very fortunate, but that something had occurred which annoyed him very much, and that after supper he would tell me, but was very desirous to keep it from his family.

After supper we walked down to the bayou, and the Colonel informed me of what he had done during his absence. He had been fortunate beyond his expectations in procuring testimony, but turning aside from the Houston road—after he had crossed the bayou—to call upon Mr. Roberts, had met with a rather serious adventure.

Mr. Roberts lived some distance down the river, upon an odd kind of bayou, known as Oyster Creek, and as

Ting left the main road to take the trail that led down river, a man rode out of a point of timber near by, and galloped up, with the intention of addressing him.

"Is your name Ting?" demanded the stranger.

"It is," replied the Colonel. "What then?"

"Much," answered the other. "It is known to some that don't love you particularly, that you will be here to-day. I have been left to look after you, should you take the Houston road; there are others in the timber, and your life will be in danger if you keep on your present track."

"How do I know that?" demanded Ting. "How do I know but that you wish to lead me into an ambush? Why should I have faith in you?"

"I shall not answer," was the reply, "but I speak the truth nevertheless, and risk my own life by so doing; if any one has seen us together, I am sold. Take care of yourself;" and clapping spurs to his horse, he galloped off.

Ting dashed after him, but his travel-wearied horse was no match for the fresh animal of the stranger, and giving up the attempt after a short brush, he rode back to the trail. Deliberating a moment, he came to the conclusion that if any danger was to be apprehended, it would most likely be from following the man's advice, for, by his own confession, he was the accomplice of villains. He therefore took the trail, riding, however, very slowly, and looking about him very carefully. Well was it that he did so, for he had not proceeded far before discovering a horse apparently hitched by his bridle at some distance in the open woods.

Ting paused for a moment, then heard a slight rustle in a bunch of bushes near him. Putting spurs to his horse, he dashed at the spot. A rifle barrel protruded —the sharp click-click of the lock was heard—a cap exploded, followed by no other report, and a man jumping from his place of concealment, rushed into the forest. Ting pursued, but a thicket on the banks of an adjacent bayou favored the fugitive, and he escaped.

The horse that had been hitched, alarmed at the noise, broke his bridle and ran off, and Ting had nothing else to do but to resume his journey, with quite enough upon his mind, to exercise it fully during the rest of the day.

He went to Roberts's plantation, arranged some business with him, and reached Houston first, and home afterwards, without further adventure, but the one was quite enough.

It was very plain that some of the gang had determined to take his life, and it was very probable that they were aware of the active steps which his emissaries were taking to obtain proof against them, and bring them to justice. He determined upon open war, and war to the knife, as far as Horsely was concerned.

On the succeeding day I left for Houston, where I met Roberts, who arrived there the same evening that I did.

The events of that night we shall both remember as long as memory sits upon her throne.

After a supper at the Old Capitol, Mr. Roberts and I walked down to the principal bar-room of the place, and having obtained cigars, lit them, and sat down to converse.

The room was large, and well tenanted. Around every table were groups of men, smoking, drinking, and playing dominoes.

Suddenly the loud report of a gun near at hand was heard. In an instant a man shrieking "Murder" rushed into the room, ran up to the bar, and caught hold of the brass railing in front. Before he had half crossed the floor, another person sprang in at the same door, and hardly had the first seized the bar railing, when the other struck him down by a blow upon the head, from a clubbed musket which he brandished in both hands. The murderer was instantly seized, and the murdered raised and placed upon a settee. Medical assistance was at hand, but useless.

Upon examining the body, it was found to have been shot right through the heart.

The coroner and the sheriff were immediately sent for, but before their arrival, the perpetrator of the horrid deed was called upon by those present to give the reason for its commission.

The wretch—who was no other than Horsely—seemed very calm, and in no way alarmed. He told a very straightforward story, and said that the man he had killed, was a notorious desperado, who had been hired to take his —Horsely's—life, and then produced a letter purporting to have been written by a person living upon Spring Creek, that gave him warning of the design. He also said that the man had followed him and dogged him at night for the last week; that he had repeatedly seen him sneaking about in an open lot behind his house, and that while sitting at the window in the second story, a few minutes before, he noticed something moving about in the high weeds beneath him. He left the window, and procuring his gun, returned, and sat down again. Presently a rifle barrel was pointed at him, and he, seizing his gun, fired immediately at the half-visible object. We knew the rest.

The sheriff and coroner arrived; Horsely was taken into custody by the former, and the latter commenced his legal examination, which resulted in a verdict of "Wilful Murder."

Horsely, however, made light of the affair, and when brought before the Justice next morning, told his story in a bold, nonchalant manner, and named several persons who, he said, were knowing to the main facts of the case.

Most persons present believed his statement, and even thought he had "done the state some service." As the case proceeded, the aspect of affairs changed. The gun which he said was in the hands of his victim, was found in the weeds. It was unbreeched by a gunsmith, and found to contain a load that had evidently been in it for years. It was identified; and the owner, on being produced in court, swore that Horsely had some days before asked him if he had any old gun stowed away that no one knew; and that he had loaned him the one then in court. It was also proved that the prisoner had been to others for the same purpose. Several persons testified to having seen Horsely and the murdered man repeatedly late at night in close conversation.

Upon examining the spot where the deed was committed, it was plain that the man had been seated on a piece of timber at the time he was shot. The footprints of Horsely proved pretty conclusively that he had been sitting by his side, and the direction in which the slugs entered the boards of a house against which the piece of timber rested, established the fact that the shot was fired from the corner of Horsely's house, and by a person kneeling or stooping.

In spite of all the efforts of eminent counsel, Horsely was refused bail, and delivered into the sheriff's custody, to await his trial in the District Court. As the session was to commence on the ensuing week, there was every prospect of short work being made in the matter; but a change of *venue* was obtained, and the prisoner sent to Malden for trial.

Malden was also my destination, and although it had not been my intention to have gone there so soon, yet, Roberts and Ormsby, who were attending court in Houston, deemed it best to keep Horsely in sight, thinking that some benefit might accrue to our cause from his present situation.

In fact his capture had already led to important discoveries; a gang of counterfeiters had been exposed, and some persons suddenly left Houston and its vicinity without any intention of returning.

On arriving at Malden we found the prisoner under very careful watch and ward, confined in a strong hewed-log building, and bound with chains.

From some developments that had been made since the murder, it was now certain that by it, the prisoner had incurred the enmity of his clan, and that the murdered man was one of their principal agents. He it was who had warned Ting of his danger in the Brazos; and for this, as well as from a fear of further developments, Horsely had determined to close his mouth for ever.

Ormsby now brought an old friend, Sol Wilgus, into play again; but Sol could get but little from Horsely about our papers or the suit, except an offer to give up all, if Ormsby would defend him and bring him off clear.

On the Saturday afternoon succeeding our arrival in Malden, Ormsby and I had mounted our horses with the intention of riding a few miles to a friend's plantation, where we intended to pass Sunday, when Sol came up and inquired where we were going. We told him; and he endeavored to persuade us to remain, warning us of an impending shower, which he said would be sure to give us wet jackets.

We refused at first to listen to his advice, but at last Ormsby, who thought there might be more in it than at first met the eye, said,

"Sol, what do you mean? you know it can't rain before we get to Smith's; if there is any reason why we should stay here to-night, say so at once."

"Well, Judge," he replied, "I reckon you'd better stay, that's a fact; prehaps if you do you'll hear it thunder afore morning."

"I think it very likely, Sol," said I; "but what then?"

"Well," he answered, "when it does thunder you'd best stay to hum till I come, and not go out in the rain and get wet for nothin'."

"I shall take your advice, Sol," returned Ormsby; and we dismounted, and concluded to stay, without at all knowing why; but still reposing confidence in our scapegrace of an aide-de-camp.

The sun had but just set when Sol's prediction was literally fulfilled; it *did* thunder. The rain poured down in sheets, and the vivid lightning shot to and fro, making the blackness of the night blacker yet in the short intervals between the flashes.

At about nine o'clock we heard it thunder allegorically. Horsely had escaped; and in spite of the dreadful storm that was raging, the town was astir. Remembering Sol's counsel we remained at home, and there we soon had a visit from our emissary. His information about the intended escape had not been direct, but he had ferreted out enough to be certain, not only of it, but also of the direction which the fugitive would take; and he advised us to keep still for some time.

"I've spoke," said he, "to Jo Stebbins (the Sheriff) and he'll be up here afore long. You must let all these fools put out that's a goin' to hunt him; and about eleven, when all's quiet and shady, we'll jest mount our nags and trot out to Whitely's. Thar's spies about, but we wont have em known to our doins. Jake Horsely's in the bush and there he'll stay till the road's clar, and then he'll break for Whitely's. If he onst gits thar he's a gone coon. The boys didn't let him loose for no good. He threatened to blow on em if they didn't get him clar, and so they got him clar, and now they'll blow him. You keen't (can't) catch him ondly when he comes out of the timber and makes for Whitely's pen, and ef you don't get him afore he's in the house you never 'll get him alive."

We obeyed Sol's directions implicitly, and at eleven mounted our horses and set forth for Whitely's. Our party consisted of Roberts, Ormsby, Stebbins, Sol, and myself—all well armed. The storm had ceased, and the moon now shone brightly. The five miles that we had to travel were soon gone over, and we were within a quarter of a mile of Whitely's, when Sol directed to dismount and hitch our horses. Proceeding stealthily on foot, we came to the field fence, and followed it around, until we arrived at the rear, where a beaten path led from the woods to the house. We dared not approach the latter any more closely for fear of alarming the dog.

For nearly an hour we watched in silence; then a step was heard.

"Let him get half over the fence before you make a show," whispered Sol.

Onward came the step. It was our man. Concealed among the trees, we waited until he had passed, and even until he was quite upon the fence, and then we sprang at him. Off he fell upon the ground, jumped up and ran for the house, which he had almost reached, when Sol caught him, and in a moment we had him securely pinioned.

We were almost at, and exactly in front of the house. The noise of the chase and capture alarmed the inmates, and as they burst the door open, there we stood confessed with the bright light of a pineknot fire shining full upon us.

"They've got him, by ——," shouted one of the ruffians.

"Then d—n him, here's his grist," said another, and Horsely fell, shot through and through by his companions in crime.

All was confusion, and before we could seize them the villains made their escape. We carried the wounded man into the house, and dispatched Sol for a doctor and a Justice of the peace.

Horsely, who knew that he must die, raved, prayed, and cursed alternately. The doctor who, with the Justice, arrived within an hour, pronounced the wound mortal; but said the patient might linger days, yet we thought it better to take his deposition immediately.

Animated with feelings of revenge against his late associates, Horsely made a full confession, and informed me where I should find the much desired papers. Having done all in our power for the doomed man, we left him with the sheriff, the doctor, and Sol.

In three days we were in Houston, where concealed beneath the floor of Horsely's house, in a small box, we found the important documents.

The breaking up of the clan, which resulted from Horsely's confessions, the flight of the claimants, and the refusal of the counsel to proceed with their suits, made the game an easy one upon our side.

And now, having run out one thread of adventure, I am fearful of drawing another from the tangled skein until I may discover whether the texture that I have woven, suits the market or not.

LYNCH LAW.

LYNCH LAW.

CHAPTER I.

THE PIONEER; REGULATORS AND MODERATORS.

"WHOSO *sheddeth the blood of man, by man shall his blood be shed,*" is a doctrine derived from that authority, which is the acknowledged foundation and corner-stone of all law among Christian and God-acknowledging nations.

But is there no modification? There is. The spirit of a law must be regarded in preference to its letter, and the spirit of this law, emanating directly from God, and endorsed almost universally by man, is against *murder*—cold-blooded, deliberate murder.

In the anticipated fate of the criminal, sickly sentimentalists lose sight of the crime, and the day has not yet passed when women, who would appear to much better advantage in their legitimate sphere, darning their husbands' stockings, or preparing the family dinner, throng the court-rooms, shed tears of false pity, call meetings, circulate petitions, and, more ridiculous and disgraceful still, send notes of sympathy, encouragement, and condolence, perhaps even a bouquet, to felons, provided always their crime be of sufficient magnitude to merit such distinction.

They have set up, as an axiom and a text, that *the worst* *use you can put a man to is to hang him.* I do not know about this. To turn a man in form, but tiger in heart and habit, loose upon the world, is rather worse than to mete out to him the punishment which he has deservedly merited, according to my mode of thinking.

Shut him up in a penitentiary? and for what purpose? To remain there one, two, or three years; then to be used as a political engine by some time-serving Governor, who, to secure a score of votes, would turn the tiger free, to glut him with fresh spoil, not improved in feeling or character, by his association with those like himself, but emerging again among men, no longer his fellows, with embittered feelings of hatred and revenge towards the whole human race.

When you can build prison walls so high that no criminal may scale them, enact laws so stringent that no minion of office can trample them under foot, for his own, or his party's advantage, find jailors so honest that gold cannot corrupt, or sympathy and pity tempt, and formed, too, of such stern stuff as to exempt them from danger in the attack of an infuriate demon; then, and not till then, abolish, *in toto*, capital punishment.

We hear much of circumstantial evidence, of the suffering of the innocent, and the escape of the guilty; but not one iota of truth exists in one case of one hundred. Every idle tale of a penny-a-liner, every silly coinage of the novelist's brain, is picked up, announced as startling evidence, made capital of, and treated as if it were as true as the Holy Writ. The fault exists—for fault there doubtless is, and not so much in the punishment of the innocent, as the acquittal of the guilty—in our laws, in too hasty decisions, in bringing men to trial before proper evidence is procured, or the case correctly understood; and in discharging them—judge and jury knowing them to be guilty—because sufficient testimony cannot be obtained to satisfy the technical scruples of the law.

To proceed with my subject; the first step is to endeavor to impress upon the reader's mind, as well as I may, the condition of the inhabitants of a newly-settled Territory or State.

These, I think, may be properly divided into four classes. First, the hunter and trapper, far, very far, in advance of civilization; mixing with the Indian, and, frequently, without anything like a regular home or shelter. To these, we might perhaps add the Indian traders, and then the class would be numerically so small, as scarcely to be worthy our present consideration.

The second class comprises the backwoodsman,—the true pioneer,—always to be found upon the very verge of civilization, forming, as it were, a living wall of defence and protection between the settlers and the tribes of Indians.

Class the third embraces those residing in, and thinly scattered over the outer ring of the settlements, usually cultivating their own land, generally small planters, or stock-raisers, and composed of very heterogeneous materials; honest men, tempted there by the love of a new country, or a desire to purchase land cheaply, and, among them, outlaws, desperadoes, and rogues of all degrees. It is among the third class, that the so-called Lynch Law is of more frequent occurrence.

The fourth class embraces the inhabitants of the more densely populated portions; of the towns, &c.

Of the first class I have little to say; living entirely beyond the reach of the arm of the law, they soon become almost Indian in their habits and feelings, but are upon the whole, a most useful class of men in a new country; serving as they do, for spies, guides, and soldiers, of incalculable value, in case of troubles upon the frontier, which alone drive these men, in a body, back upon the settlements.

The backwoodsman is a character little known among us. Rude is he in manner, language, and dress; avoiding the settlements and busy haunts of men; when he finds the tide of emigration setting in around him, he evades its first rippling waves, by plunging deeper and deeper into the forest. Now, what may be the cause of this? It cannot be crime that drives him from his fellows, for crime and a bad conscience compel the miserable wretch to seek relief from reflection, in the society of men like himself. It is a far different cause,—or, rather, combination of causes,—that produces this result. Many a frontier-man, rough and rude as he may seem, yet bears within his bosom the germ of true romance and poetry. He seeks a retirement where he can enjoy Nature and a simple life, uninterrupted by the noise, disputes, and, worse than all, the, to him, hateful conventionalities of his fellows. In *his* mode of life is a wild but lofty spirit of independence, which, once tasted, can never be forgotten, and, indeed, it would seem that all men are prone to retrograde from what we call "civilization."

The conventionalities of the world are so many chains and fetters to the free spirit, which necessity has thrown over, and bound round, those who compose what is termed society. As a proof of this, you will seldom find a person, who, either of his own free will, or from stern necessity, has passed sufficient time among the woods and wilds, to properly accustom himself to, and appreciate them, that is ever willing to return to the crowded city, and busy haunts of men, whatever may have been his previous station, or rank, in the walks of life.

Those hosts of adventurers who rush to our new states, seeking fortune or fame, belong not to this class. Their wishes can only be obtained among crowds; they but hasten to anticipate their arrival, and obtain an early and sure foothold. Their approach heralds invariably the departure of the pioneer.

The desire to be alone, amounts with him in fact almost to monomania; although the traveller, whom chance, curiosity, or misfortune may have thrown in his way, is welcomed to his hut with unostentatious, but genuine hospitality and kindness. He is glad to see a stranger, to glean from him news of the busy world without, and *here* he feels that he cannot have a superior.

Perhaps, after all, the "*aut Cæsar, aut nullus*," may be at the bottom of his idiosyncrasy.

The most eminent divine, the shrewdest merchant, the most subtle advocate, would soon learn that the talent, scholarship, or capacity for business, which gave him name, consequence, and wealth among the multitude, was but a useless bauble there, and if he were wise, would hide it, like honest Crusoe's lump of gold, until circumstances again might place him in such a situation as to render it valuable. Soon would he learn to look upon the man, as being at least his equal, who, without chart or compass, can steer his undeviating course through the trackless forest and over the boundless prairie; who, with his never failing rifle, supplies his family with food; who, without aid of tailor, hatter, or shoemaker, prepares his own rude and simple but appropriate dress; who, hourly accustomed to danger, looks upon it not as a cause for fear, but for immediate and skilful action.

They would soon learn to respect him, whose sole dependence is upon himself and his Maker, looking not to man for assistance and advice, but trusting in a cool and correct judgment, and arm nerved by healthful exposure and toil, and an eye and ear almost as true as those highly gifted individuals in the fairy tale.

This class of men forms a western barrier more firm, more efficient, and more to be depended upon, than the boasted wooden walls of England. They are increasing every day, and will continue to increase, until the tide of civilization shall have overwhelmed all the vast West in its ever advancing wave, and then, as others have already done, they will spread to the North and to the South, to prepare new ground for the multitude, to conquer new territory, and again to leave, until driven to the extreme verge, they are finally engulphed by their remorseless and insatiate adversary.

As the Indian retreats, step by step, in his very footprints follows the pioneer, who, in his turn, is forced ever onward by those with whom he has less community of feeling than with the Indian himself. It is the chase of human waves upon the sands of life.

Among the pioneers, the outlaw is seldom found, and if he should venture, he must mend his manners, or meet with short grace and a sure rifle ball; for much as the wild woodsman despises the law and its emissaries, the hatred of its constraints bears no comparison to the intense disgust with which he regards crime. Theft is with him a sin of magnitude, and murder is punished according to the Indians' code.

As I have before said, the necessity of inflicting speedy punishment upon the guilty, exists more particularly among the thinly scattered settlers and planters inhabiting the frontier counties of a new state.

The reader will, perhaps, think that I am taking an unwarrantable liberty with my subject, in creating a distinction between the operations of regulators, and the results of proceedings in criminal cases, in which the entire population of a section or district take part; but I crave his patience until he shall have heard my reason for establishing this distinction.

In border counties, where there are no jails within whose limits criminals can be confined, what shall be done with them?

Desperadoes, and villains of every degree, in the South West are far from solitary in their habits, but will be generally found connected with a host of others, ready to assist them in any infamous project, or to shield them from the consequences, and to interpose between them and the arm of the law.

Where there are sufficient numbers of such outlaws in a county, they will seldom shrink from a trial. Never, in fact, unless the crime be one of so heinous a nature, and so certain to be established against them, that they fear the personal interference of the people, in case the law should fail—as it almost invariably does—to fasten the guilt and inflict the punishment upon them.

They may completely set the law of the land at defiance. Witnesses will be found to prove anything required in favor of the prisoner, and against the testimony for the prosecution; juries will be packed, officers bribed, the little county town filled with noted desperadoes from far and near, usually, perhaps without any apparent organization; but their presence is felt, and their purpose well understood.

Juries, witnesses, and lawyers, are too often overawed; and in the law there is no remedy; on the contrary, too often it is a very protection to the criminal.

There is no possibility of improvement, for the moment the clan have obtained and exhibited a supremacy in any county, from that instant they will increase in numbers and in boldness, until it is certain death to any who may attempt to prosecute them, or even mention their misdeeds.

Then, every honest man must either submit patiently, and without complaint, to their aggressions, receive with the appearance of warm hospitality, greet with the semblance of friendship, welcome to his cabin, his table, and to the society of his wife, his daughters, and his sons, men whose hand he knows to be stained with blood; or he must sell out his homestead, at whatever sacrifice, and move far away.

To obviate this, the only practicable mode is, upon the first appearance of crime of sufficient magnitude, that the whole body of settlers near should rise, arrest the criminal, try him impartially and justly, then mete out to him such punishment as their own common sense and correct ideas of right and wrong may dictate.

For murder, the punishment is invariably death; for other offences, usually an order to quit the county for ever. In such cases, assistance is frequently extended to the family of the culprits, in the disposition of their farms, and in the moving of their household goods and cattle.

Which of the two is the wiser course? By a single act of justice—when law cannot be depended on—to free the country for ever from the danger of becoming a den of thieves and murderers, or by tamely submitting, to allow the villains to obtain such a foothold that, in the end, the honest portion of the community are forced to call upon the adjoining counties for assistance, and the power of the law is only restored and asserted after a bloody and protracted battle.

The system of "regulators," and their ever concomitant opponents, the "moderators," WILL NOT DO, and as soon as two regularly organized parties are found to exist, it is the part of every wise man—who has due regard for his life and peace—to move, at any sacrifice.

So often has the plan of "regulating" a county been tried, and so fatal have invariably been the results, that the very name of "regulation" has come to be considered as one synonymous with that of murder and robbery.

Perhaps, in most instances, the first intention was a correct one; but when a few men are banded together with the intention of controlling many—of administering justice to, and inflicting punishments upon, their fellows, according to a code they themselves have laid down, and this without the slightest semblance of legal authority, abuses do not creep, but walk boldly and bodily into their system.

It is not the action of an entire section of the settlers, who, incited by the commission of some heinous crime, or aggravated by the perpetration of numerous petty offences, rise with *one* feeling, and as *one* man, punish the offender.

The true history of the "rise and progress" of all "regulating" and "moderating" may be given in a few words.

A few influential and determined men club together to reform a county, or to prevent crime, *ab initio.* Too often their proceedings are in secret, and the punishment which has been decreed to the offender, is administered by a party in disguise.

Such proceedings must necessarily awaken distrust and fear, among the more quiet of the settlers; while the rogues, whose characters are not yet known, hasten to obtain admittance to the corps of regulators, both as a shield against enemies, and a cloak to cover their own misdeeds.

Ere long, the vindictive actions of the party, or the rascalities of its members, call down upon them the indignation of the rest of the county, and a counter party is got up, nominally to keep the regulators in check.

The last formed parties are called moderators, and invariably contain all the spare rascals in the county, whom the regulators have not already received into their ranks.

From this moment a deadly feud commences between the two, and ere long the war is conducted with such ferocity, that two persons of opposite factions seldom meet —where there are no witnesses by to tell the tale—without a combat, often fatal to one at least.

Some years since, in one of the border counties of Texas, the two factions met in force. A regular battle ensued, in which forty or more lives were lost; and the disgraceful affair was only terminated, and peace restored, by marching a strong force from San Augustin.

To give the reader some idea of the consequences of the system, I will state that to my knowledge, in the county of Harrison, in Texas, is a small stream, or bayou, known as "Widow's Creek," and upon its side, within a distance of five miles, are living—or at least were a year or two since—twenty-five widows whose husbands were all slain in this unnatural warfare; and that upon the plantation of a gentleman of my acquaintance—in the same county—are the graves of five former occupants of the land, who all have perished with ball or knife.

Marshall is the shire town of the county, and it would strike a member of the Peace Congress with amazement, could he but see the appearance of the men who visit it upon a public day, armed as they are verily to the teeth. I remember a peaceable-looking, old, grey-headed personage, riding in, one fine morning, with no implements of war *visible*, except a double-barrel and a bowie-knife, and the loungers remarked that *he* was rather poorly provided for, and "wouldn't stand more than half a chance."

The prevalence of so many weapons of war, however, produces one good effect. When voices are raised in anger, and knife and pistol flash in the sun, the hangers on about town do not run to see, but, according to their vernacular, "tree" in the first store or "grocery" convenient.

Our immortal first Grandmother—of the inquiring mind—might here have learned a lesson that would have kept her from the discovery that apples did not agree with pairs.

At Montgomery's Point in 1841, the "Regulators" and "Moderators" wound up their affairs by the driving of sixty odd persons of all ages and both sexes into the Mississippi. Which was the conquering and which the conquered party, I forget; but it is a matter of small moment —*Arcades ambo*—two more villanous collections of blacklegs and assassins, probably could not be found, and had they performed over again the exploit of the Kilkenny cats—leaving nothing but their tales for me to relate—it would have been a blessing to their country.

Having drawn the distinction between the so-called "Regulating" a county and the application of Lynch-law proper, let us examine the causes and effects of the latter, as exemplified in a few prominent cases.

One of the earliest instances in Texas, was in the case of the murder of an old man named Birkham; but the tale has been elsewhere told in this volume, and I only allude to it, as a very speedy and just administration of backwoods law. I have told the tale as it was told to me—almost verbatim—and can vouch for its authenticity.

CHAPTER II.

GAMBLERS AND DESPERADOES.

I SHALL now relate an event which occurred in —— county, Texas, whether an *use* or an *abuse* of Lynch Law, I leave for the reader to determine; but, in order that he may have some data to govern his judgment, it will be necessary for him to understand the situation of the county.

Although populous and wealthy, for a new county, it boasted of no jail, which, indeed if it had possessed one, would have been of but little service, as there was no town of sufficient population to be a safe location for it.

That they had no jail, was nothing strange, as, if my memory serve me rightly, but three or four of the interior and southern counties were so blessed; and but two of these, those at Beaumont and Brazoria, of any real use. In the city of Houston, was to be found one, in which, if you would keep a prisoner, it was necessary to weigh him down with irons, and then guard the house externally day and night. In Galveston, an old brig which had made an experimental trip in shore, upon her own account, during a very high tide, and resolutely refused to return, was pressed into the service, and would have answered remarkably well, had she not been so completely rotten that a man might kick a hole through her, and walk quietly off. A prisoner tried the experiment one night, and it succeeded to admiration.

Until a year or two previous to the annexation of the quondam Republic, petty offences had been almost unknown, except in the counties bordering upon the United States. There, especially near the line, were to be found necessarily, many whose crimes had driven them to a residence upon the confines of two Governments. This was particularly the case with the upper counties bordering upon, and near the Red River.

The first mentioned county had, however, been very free from absolute crime, until a short period preceding the time of which I write.

The gamblers, and those, in especial, of the most petty description, hung around the county town, despite the determination of Judges and District Attorneys, assisted by very stringent laws, to suppress them.

In fact, perchance, one great stumbling block in the path of justice was this very over-severity.

By the laws then in existence, it was a crime, punishable with imprisonment, or very heavy fine, to play at cards for amusement, in any public house, or in any house or place within one hundred rods' distance from the public road, and I believe the act is in existence at this moment.

Now, the bench and bar generally were much addicted to this manner of passing away an evening, and however careful they might be in the indulgence of this propensity, they frequently laid themselves liable.

Judge S——, whose proverbial pomposity had earned him the *sobriquet* of "Old Dignity," one morning called upon the clerk to read the indictments against a number of gamblers, and heard, to his perfect amazement, his own name included.

"What!" exclaimed the astonished official—"what! Read that again, sir."

Again the clerk read a long paper, setting forth, in the plurality of words that lawyers so delight in, how he, the said Judge, had offended against the majesty of the Republic, by playing at cards, &c., &c.

The Judge thought a moment, and then exclaimed: "How, sir! cannot the 'Court' amuse himself in the 'Court's' own room, with the 'Court's' own wife?" In a rage he *adjourned* the court.

The fact was, that the Judge had simply been playing a quiet game of "euker" with Mrs. S——, suspecting no harm; and some mischievous individual, by peeping through the crevices of his log castle, had witnessed the transgression, and presented him before the grand jury.

This last affair amused everybody in the county almost as much as it did the faro-players. The Judge had honestly earned the sobriquet of "Old Dignity" by his extreme pomposity. He spoke of himself upon all possible occasions as "the Court." One day, passing along the main street in Houston, a mule that had been hitched to an awning-post, wheeled and nearly kicked him. The Judge, apparently furious, gesticulated and shook his cane violently at the offending animal; and a wag who was passing at the time, declared positively that Judge S—— had said, as he turned away, "if *that* mule had kicked *this* Court, *this* Court would have put *that* mule in jail." This story, which obtained an extensive circulation, annoyed the old gentleman amazingly.

It fared no better with his successor, Judge J——, who also made an attempt to punish those who set at naught the laws, and his authority, by gambling publicly.

The consequence of the attempt was, that the Judge had a quiet hint, that he, and nearly every member of the bar —including, I believe, the States Attorney—had been presented; and he was forced to follow the example of his predecessor—adjourn the court, and tacitly admit himself conquered.

At length came one, who had never yielded to the fascinations of cards, or acknowledged the blandishments of the dice-box, who spent his evenings in his own room, attending to his own business, a stern, just, clear-headed, uncompromising man,—one that yielded nothing to custom or prejudice, and would not swerve a hair from his line of duty, or detain the court for half an hour, because—or—or —the great guns of the session—had not yet slept off the fumes of their over-night draughts: one that looked upon a gambler as he would upon a snake, punishing him to the full extent of the law; and yet the gamblers laughed.

His directions to the District Attorney, and to the grand jury, were particularly clear, and very pointed upon this subject; yet the gamblers laughed on.

They were indicted, yet they laughed—tried and convicted—their cachinnations ceased not—sentenced to a fine of one thousand dollars each, and imprisonment, until paid, with a separate imprisonment beside—and all without sobering them; but when the Judge very coolly ordered the sheriff to make it his particular business to see that they were well guarded, until the close of the term, when he should send them with him to Houston, with an order to admit the party to the *freedom* of the jail there; then, with the exception of an old fox by the name of Williams, they presented a decidedly blue and discomfited appearance.

This Williams was an original,—a perfect oddity,—and although he was notoriously lazy, and a petty gambler, yet he possessed such a fund of wit, drollery, and good humor, that many who scorned him and his profession, would gather around him, as he sat in the porch of the "Grocery," spinning his quizzical yarns, or amusing himself at the expense of some verdant specimen of humanity.

He was not so to be frightened, but, as he left the court, addressing the sheriff familiarly as "Joe," requested him to inform the audience,—not forgetting the Judge and jury,—that he should open a Faro bank in whatever place he might be temporarily "hung up," and that they were respectfully invited to attend.

As soon as the session was terminated, the sheriff prepared to muster a sufficient guard to convey so desperate a set as his prisoners to Houston, but Williams offered to take charge of them himself, pledging his word for their and his own safe delivery, and although his proposition was not fully accepted, so much confidence was really placed in the scamp's word, that the sheriff accompanied them alone.

They were in due form consigned over to the care of the Harris county jailor, their horses being deposited in a stable, subject to their order, and as the sheriff was leaving, Williams very quietly inquired if he had any commands for home, as he should be there the next day.

It was upon a Saturday that they were imprisoned; and on Sunday morning, as the boarders at the Hôtel in M—— were at the breakfast table, to their amazement Williams and his troupe walked in, and took their seats, as if nothing had happened.

On being questioned. they answered that they did not think the people in Houston were glad to see them, and not wishing to be deemed intruders, they concluded to leave.

They had ridden sixty miles, and appeared in no hurry to ride any further, and when the sheriff arrived that night, the first person who approached, and shook hands with him, was Williams. He knew that in delivering him over to the authorities of Harris county, the sheriff's duty had been performed; that *they* would never trouble themselves to reclaim their prisoners, whom they had been extremely loath to receive, and that in all probability he should hear no more of it, except as a good joke, which was indeed the case.

This jail-delivery was, however, a mere bagatelle in comparison with some others, at least, as far as it concerned the well-being of the public. It is a strange and unaccountable peculiarity of south-western men that, in case of any outrage, they will risk life and limb, expend time and money; in fact, stop at nothing to seize the person of the criminal; but when once taken, not one in twenty would give himself the least trouble about guarding the prisoner, and the chances are much in favor of his escaping.

Perhaps, the excitement of a human chase may account for the former, but what may be the reason of the culpable negligence evinced in the latter, we know not.

A man, by the name of D——, had committed a cold-blooded murder upon his son-in-law, under circumstances of unparalleled atrocity.

The unfortunate man was shot down, while he held in his arms an infant,—his own child,—and the grandchild of the murderer.

This affair occurred in Brazoria county, which, however, was not the one in which D—— resided, and no effort was made to punish the criminal—with the exception of a trumped-up examination before a Justice of the peace, got up, in all probability, to prevent further proceedings.

D—— returned to M—— county, and with him came the wife and child of the murdered man.

The people of the county, exasperated at the crime, were rendered almost furious at the audacity of the fellow in returning to settle himself quietly down among them, bringing with him the *spolia opima*, for which the murder had been committed; for L—— (the victim) was possessed of a handsome property, consisting of money, cattle, and, perhaps, a negro or so—all of which D—— had appropriated.

The citizens, irritated as they were, determined to proceed legally, if possible, and accordingly obtained affidavits, upon which to found the warrant for his apprehension.

The issuing of the warrant was an easy matter—the serving of it, another affair. For two years they attempted, sometimes with large parties, and sometimes with small, to arrest him, but all in vain.

Although travellers seldom passed, or stopped at his house, which was a species of backwoods hotel, without seeing him, yet however secretly an expedition might be planned, it always failed, and it became a matter of certainty that there were spies in the camp.

For a time the proceedings were dropped, and emboldened from having so often foiled them, D—— at length began to neglect his quarantine, and to ride about the country—laughing at the repeated failures of the officers, boasting of his exploits, and threatening the lives of all those whom he considered as his enemies. Finally, as if incited by the devil, who is said to be ever prompting his clients to their own destruction, he had the audacity not only to ride through the town of M—— on a Saturday afternoon, when he must have known that three-fourths of the settlers within ten miles' distance would be there, but actually dared to stop at the "Grocery," call for a glass, and invite all present to join him.

His daring impudence so astonished the people, that he was allowed to ride out of town at the same deliberate pace that he had entered it. He was mounted upon an extremely fine mare, and accompanied by a villanous looking personage on foot, whose cerebral developments would have hung him without any further testimony, had he been tried by a jury of phrenologists.

Although the pair had passed through the village without interruption, they were not to escape so easily. The papers necessary for their legal capture were already made out, and in a few minutes the deputy sheriff with one assistant mounted in pursuit.

They came upon their quarry at the edge of a wood, a mile from town, and an accident prevented escape or resistance. As they dashed up near to them, the volunteer became so much excited or alarmed, that in endeavoring to cock his gun—a double barrel—he pulled both triggers, a tremendous explosion was the result, and he very nearly bagged the sheriff-depute.

As the two travellers were plodding their way over deep sand, they had not heard the hoofs of their pursuers' horses, and the shot was the first intimation they had of their propinquity. D—— had dismounted, and his friend was riding and carrying a gun, which the horse—now become restive—prevented him from using, and the sheriff's rifle, pointed at the culprit's head, caused an immediate halt and surrender.

Every step had been strictly legal, the prisoner was taken before a magistrate, who ordered him to be confined, heavily ironed, and a guard set over him, until the High Sheriff should return from Austin, when he was to be submitted to his charge and conveyed to Brazoria.

As for the travelling companion, who announced his intention of "sticking by the Captain," one of the assembled crowd took him aside and advised his immediate departure, on the ground, that his physiognomy did not give general satisfaction, and that the account he gave of himself was not believed to be gospel.

The gentleman was probably innocent of any acquaintance with Shakspeare, but his actions proved that he acquiesced with Falstaff in his opinion of the relative merits of discretion and valor.

Now, any reasonable person would have supposed the prisoner to have been sure of safe keeping; and, for a few days, he was. A physician gave up his office—a small building constructed of neatly hewn logs and strong as a fort, to be used as a jail—a part of the chain cable of some snagged steamer, was made fast to him, independent of his handcuffs, and guards were plenty enough for a few nights. But, alas! the sheriff was absent too long, and one night the deputy found himself without a relief at supper time; so, stepping out to seek one, at a few paces from the temporary jail he met his superior, who had that instant returned. While chatting a moment he heard a noise that alarmed him, and caused him to retrace his steps immediately. It was too late, the bird had flown—chains and all—through a window which was forced open.

At this very moment, a tremendous thunder-storm came up, but despite the terrific violence of the storm, which seemed as though it were an earnest of the wrath of heaven upon them for their culpable negligence in allowing so great a crime to go unpunished, the whole village was alarmed, and a large party sallied forth in pursuit.

Between midnight and morning, they all returned, dropping in, one after the other, dispirited, drenched, and covered with mud, but determined upon renewing the chase as soon as the sun should lend his aid.

D—— was followed the next day by men on horseback and on foot, and although trailed step by step for miles, yet the first accurate intelligence received from him was the arrival of his son, who brought back the chain cable with his father's compliments, and thanks for their hospitality.

A year after, the same villain ran a very narrow chance in Houston, where he had the impudence to appear in the public streets *en plein jour*.

No sooner did the sheriff know of his presence, than he obtained a warrant for his arrest, but D—— being warned, mounted his horse, and started for home, riding for his life. The roads were very heavy, and again a violent storm arose. All this, however, did not deter the officer—who saw him leave; a race and running fight ensued between the two, in which some shots were fired, yet although the parties were for a time neck and neck, D—— finally escaped by dashing into a thicket.

This man, a short time afterwards, sold out his farm to two Germans, received a handsome sum of money, and in a few months both of them died so mysteriously and suddenly, that there was but little question of foul play upon his part, as he was at the time a joint occupant of the house.

He is, for aught I know, yet "unwhipt of justice," unless he has met with that violent death which is the almost certain fate of such desperadoes.

Soon after these events occurred, a very heavy robbery was committed, the robber arrested, and confined for some months in a vacant house in the village.

In this instance, the person who had been robbed furnished the necessary funds to hire a guard, and it was thought the culprit would taste the thong of justice; but no: as soon as it was found that the proof was positive; that he had really obtained some ten or twelve thousand dollars, and could pay well for assistance, he was spirited away, and heard of no more.

Two great crimes had also been committed in the county. A gun—probably a double-barrel—was discharged through the window of a gentleman of the name of Floyd, while the family were eating supper. The father was instantly killed, and the others more or less wounded. All attempts to discover the perpetrator were useless.

The murder of a Captain Taylor was a more recent event. While sitting in an unfinished house, at night, playing a game of chess with his wife, in the act of moving a piece, he fell dead, pierced through the heart with a rifle ball; and as there was a violent storm raging, his wife did not distinguish the crack of the gun from a simultaneous electric explosion.

The chimney of the house had not yet been finished, and the villain fired through the vacancy. For a long time, this, like the former, was a deed of mystery, but at length a quarrel between two ruffians in Houston—which resulted in the death of the one, and capture of the other—revealed among deeds of equal atrocity, that Taylor had been killed by a bravo, for a sum of money.

The veil that was thus partly raised, disclosed partially other equally fearful secrets, and it became a matter of certainty that a clan of villains was in existence, probably a part of the Murrel gang, who were engaged in every species of crime—from horse-stealing and counterfeiting to kidnapping and murder.

That the number of these desperadoes in M—— county was increasing, admitted of no doubt, and that such was the fact, need be a matter of surprise to none, since they found they were in very little danger of apprehension, or if apprehended, that they incurred but small risk of punishment.

Is it a wonder then, when murder, violence, and crime were stalking boldly among them in open day, unchecked by law; when the county was constantly receiving fresh accessions of lawless persons from other counties and states; when everything tended towards anarchy, and that right speedily, that the honest and well-meaning citizens, should at the next provocation take into their hands the sword of justice, which the paralysed arm of law was impotent to wield?

A man named G—— was tried for cattle-stealing in Harris county.

Whipping is the ignominious punishment that attends conviction of this crime, and in hope to evade it, G—— engaged a lawyer to defend him; giving him his saddle-horse, as fee.

The case was evidently going against the accused, and the lawyer whispered to him to get out of the room, upon any excuse, and when once fairly in the street, to run for life.

The advice was taken, and G—— accompanied by an officer, left the room, but seeing the horse which he had given the lawyer, saddled and bridled, standing before the door, he leaped upon his back, and was soon beyond danger of pursuit.

For a year or two after this exploit, he was not heard from, but at length became bold enough to visit M—— and remain for some time.

Unfortunately for him, he inspired many of the residents with dislike, and when they discovered who he truly was, some of them—out of pure mischief, rather than a desire to further the ends of justice—had him arrested and taken to Houston, where the ignominious lash was applied to his back.

He then again returned to M—— burning with resentment, and swearing vengeance against all who had been concerned in his arrest, but soon found the town too hot to hold him, and was accordingly upon the eve of retreating further north, when his horse was attached by the sheriff, for debt.

At the time the warrant was served, G—— was mounted upon the animal—a fine and valuable beast—and refused to surrender him. An altercation ensued; whether he then drew a weapon or not I do not know, but it was proved that the sheriff seized a rail and forced him off the horse.

The moment G—— touched the ground, he drew a pistol and shot the officer down. He was seized immediately, and taken to the court-house to await an examination of the sheriff's wound.

The physicians pronounced it to be certainly mortal; although they said the unfortunate man might linger in agony for days or weeks.

As soon as this was announced to the crowd, measures were taken for assembling all the settlers living near; a judge and jury were chosen, and the man, after a trial —which must be accounted fair, if any trial under such circumstances can be fair—was found guilty—of what we know not, for *murder* it was not yet—and condemned to die upon the gallows, as soon as his victim died.

For over a month did the sheriff linger, writhing in torture, but we much question if the mental agony of the condemned culprit was not infinitely the more difficult of the two to bear.

He knew that the sentence was predicated upon the supposed impending death of his victim, and as *he* lived on from day to day, the hope of an ultimate recovery must at times have forced itself upon him, only to make his calmer thoughts the more bitter.

The hour arrived at last: the officer died during the night, and as it was necessary to bury him as soon as possible, that duty was performed upon the next afternoon.

As it may well be supposed, there was a very large gathering at the funeral, and the whole number present proceeded directly from the grave to the house where the prisoner was confined, and taking him a short distance, executed him.

This, perhaps, under other circumstances than those that preceded it, might have excited as much indignation as did the execution of the "Vicksburg gamblers"—of which I shall hereafter speak. It may be said that the crime was but manslaughter; yet let no one judge the actors harshly, who does not know from experience, the danger of living in a county situated as this was, and cannot realize the imperative necessity that existed of checking the tide of crime and vice, setting in so strong among them, by the prompt and immediate punishment of any and every wilful transgressor.

The case which I am about to record, has probably never been equalled in the singularity of its attendant circumstances. The merited punishment—the atrocity of the crime, and noted villanous character of the criminal—the attempt to force a trial to serve him as a cloak, which but renewed the fable of Hercules and his fated lion-skin, the fact that he received his reward from the hands of an officer of justice and, as it might almost be said, in open court—all combined to invest it with a singular and romantic interest.

"Lem M'Guire" was known throughout Texas as a thorough-paced villain and blackleg. Accustomed from infancy to the most infamous companions, as he increased in years so did he grow old in crime, and at the age of twenty was deemed by his companions, worthy of the front rank in their columns.

One of the first acts that made his name well-known, was his participation—while yet a mere child—in an affray in which a friend and protector of his was shot—and most deservedly—by a tavern-keeper, upon whom he had made a murderous attack.

M'Guire fought like a young tiger—as he was—clinging to the landlord with his hands and teeth, and though crying with rage and grief at the death of his patron, seemed perfectly regardless of the danger to himself.

I have no intention of writing the history of his career, but shall merely note an incident or two to give our readers an idea of the man.

He had been brought up by a man of his own kind, named Johnson, who furnished him with a home—such as it was—until by his practices the latter had become possessed of sufficient property to awaken M'Guire's cupidity, and a determination to become possessed of it by foul means, as he could not by fair ones.

He accordingly laid his plans, and caused Johnson to become involved in a quarrel, in which his life was taken, at the instigation of the serpent he had nourished, who immediately after married the widow—a woman twice his age—and thus accomplished his designs.

A few months before his death, he paid a very characteristic visit to Houston, where he succeeded as usual in bringing himself into speedy notice. Entering one of the bar-rooms of the place in a state of semi-intoxication, and taking offence at a simple German who presided over the bottles, and whose imperfect knowledge of the language prevented him from understanding correctly what was required, M'Guire struck him in the face with a heavy cut-glass decanter, breaking it in the act, and severely injuring the man.

Among the crowd which collected, M'Guire espied a Judge of one of the courts, and turning upon him, immediately knocked him down; then crossing the street where stood the Mayor, "spectator of the fight"—as he supposed at a safe distance—the gentleman prostrated *him* also at a blow.

He then retreated, walking up the main street of the town in triumph, and no more was seen of him—although warrants were issued for his apprehension—until the second day; when he rode down the street, stopped his horse at the scene of his late disturbance, and calling out the proprietor, told him he had travelled some distance out of his way to bid him good bye; and then rode out of town.

At this time he resided not far from the town of Crocket, and soon after his return from his Houston exploit, he determined, for reasons of his own,—whether from enmity, to remove a troublesome witness, or a partner in crime, I know not,—to have one of his neighbors "put out of the way."

Not being willing to take the trouble himself, he hired another, a journeyman at the trade of blood, to do the business for him. For some time, the bravo deferred the murder, until at length M'Guire imagined that he had turned traitor, and betrayed his designs to his enemy; which belief was strengthened by the ultimate refusal of the man to have anything to do with it.

So far, M'Guire had only gained the necessity of removing two persons in place of one; and, perhaps agreeing with Dr. Franklin's adage, "if you wish a thing done, *go;* if you do not, *send;*" determined *this* time to do his own work.

To murder his accomplice, he had a double motive, fear and revenge. Having secured the aid of one or more persons upon whom he could depend, he rode over to the house of the supposed traitor, and calling him out into the yard, in front of the house, in full sight of his wife and family, shot him down like a dog; then the party turned their horses towards the house of the one whom he had marked before for his victim, and killed him in precisely the same manner.

All this happened in broad daylight, nor did his audacity cease here, but knowing that a magistrate lived near by, the party again mounted and rode to his plantation.

M'Guire was probably deceived in the man, whom he must either have supposed to have been a reckless being like himself, or one who might be influenced by fear or money, to subserve his ends.

The magistrate was very coolly informed that they came to be tried, that he must go through some form, no matter what, and give them a certificate of acquittal, which, although the magistrate's court was only a preliminary one, they imagined, combined with the known and certain danger of meddling with them, would be sufficient to prevent any further inquiry.

As the reader may well imagine, the magistrate, who was almost alone in the house, was extremely alarmed, but had presence of mind to conceal his feelings, and put the villains off, upon the plea that it was necessary to have some other persons present, and also to prepare certain papers, which could not be done at a moment's notice. It was Saturday, and he promised them, that if they returned on Monday morning, he would have everything fixed for them—which he certainly did.

On Monday, M'Guire appeared, with a reinforcement, making in all five or six, and found the magistrate sitting at the further end of the hall. For the information of those who are not skilled in the houses of a new county, I would say, that a double log-cabin—such an one as the magistrate's—consists usually of two large rooms, separated by a wide hall, which, in pleasant weather, serves the family for a dining and sitting-room, but being generally open at both ends, is not used in inclement days.

From all appearances, they found that the trial was to be an affair of more detail than they admired, and M'Guire, considering himself now to be in a condition to dictate his own terms, insolently demanded if the Justice intended to do as he was ordered—adding, that if he did not, and that immediately, he would cut him to pieces with his knife. The Justice replied that he intended to proceed according to law, and in no other way; but hardly had he spoken when M'Guire, knife in hand, followed by his friends, rushed upon him.

At this critical moment, the side-doors were dashed open, and on either side a volley from six rifles was poured upon them. M'Guire and two others fell dead, the rest, more or less injured, were seized and bound with cords.

It was like a "*coup de théâtre,*" except that it exceeded one, as reality ever does fiction. I am sure that no melodramatist ever invented or got up a more perfect or successful affair; and who may say that it was not pure, even-handed justice?

We should like to have seen a non-resistant* in the magistrate's situation, and to know whether he would have turned the gang loose upon the world, and have sacrificed his own life, rather than—by an exhibition of similar coolness and conduct—have done a deed that would entitle him to the thanks of his country.

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* NON-RESISTANTS.—"In New England they have a Non-Resistant Society, which held its anniversary in Boston a few days ago. One member, during the past year, has backslidden so far as to knock down a man, and he was expelled.

"Mr. Garrison defined the principle of non-resistance by instancing a case like the following:—

But I am in error; a non-resistant can fill no magistrate's chair, for he acknowledges and believes in no law, except, perhaps, for his own benefit. Speaking of non-resistants, reminds us of a sad exposé of one of the earlier apostles of that exceedingly astute sect, which—believing that my readers may, perhaps, be equally willing with us to escape *pro tem.* the perusal of a history of guilt and crime, and to exchange it for a more amusing subject—I will relate.

"If a man is assaulted by a highwayman or a murderer, he must not resist, even for the purpose of saving his life, or the lives of his wife and children, unless such resistance can be effected without endangering the life and limbs of his opponent: he must not strike a single blow, in self-defence, that may, by any possibility, break an arm, or a finger even, of his assailant.

"Another speaker coincided with Mr. Garrison, and remarked that, should his house be entered by robbers that night, he should offer no resistance, unless they could be expelled without receiving the slightest bodily injury! But he should endeavor, on the morrow, to ferret out the burglars (not, however, through the aid of the laws), and have a friendly talk with them, and try, with words of kindness, to win them back to the forsaken paths of honesty and virtue. If any articles of which he had been robbed should be found in their possession, he should refuse to take them back, and beg of the misguided men to retain them, unless indeed they pertinaciously urged and entreated him to receive them."—*Express.*

CHAPTER III.

THE NON-RESISTANT, AND THE RIVER DESPERADO.

It was years since,—ere the delicate hue of the peony upon my cheek had been changed by a southern sun, to the more sombre tint of a half dried lemon,—that I was *in*duced and *se*duced, by a series of false pretences, to attend a lecture somewhere in that land of wooden hams, wooden nutmegs, and wooden-headed pedagogues, known, emphatically, as Down East. A non-resistant lecturer,—one that was deemed a burning and a shining light among that generation of saints, was to hold forth in exposition of his *then* new-fangled doctrines.

A numerous audience had assembled, and after reading to them a chapter from the Bible, the anti-pugnacious gentleman proceeded with as superlative a mass of nonsense as it ever fell to the lot of mortal ears to endure. First, he attacked the profession of arms, and consigned to his Satanic majesty, at one fell swoop, all who meddled or made with sword or gun, from the victorious general, dealing death and devastation upon the enemy, to the veriest fourth corporal of the ragged militia.

Having demolished the men of war, *secundum artem*, he went to work upon the men of peace, and at one stroke of his veracious tongue, packed off to Tophet the entire generation of law-givers and law-expounders, legislators and common council-men, judges and juries, lawyers and clients, office-sweepers and jailers—all to *there* keep company with the Armigers.

"Our Maker alone," said this authoritative personage, "has a right to control men; the Justice, who usurps His right, commits practical blasphemy; the higher the grade, the more audacious the criminal; therefore, a King or a President is the most wicked wretch on earth."

He then denounced all that submitted to the laws, or acknowledged any earthly power or authority, and asserted that it was a crime for a man to resist another, even when his life was at stake, although by so doing he might preserve it, and prevent the commission of murder.

"Should a man steal from you," continued he, "go to him, and remonstrate with him; should a man purloin my watch, I would endeavor to obtain restitution by an appeal to his conscience. If I failed, I would go unto him again and again; and should he yet prove entirely hardened and depraved, no efforts of mine should ever seek redress by *law*."

"Yes," added he, warming with his subject. "Yes, cold as the night is, should a man lay his hand upon my coat, no resistance would he meet from me; he might have *that*, and my cloak also, before I would sin by raising my hand against my fellow, or appearing in that tabernacle of the evil one—a Court."

Now, at this time sat in the centre of the building a certain noisy, turbulent, empty-headed, pettifogging lawyer, who, since that time, has made some noise in the world as a political demagogue—empty vessels being the very ones of all the world to make a noise, when tossing to and fro in the turbulent sea of politics. Squire Dan, as he was called, not admiring the animadversions cast, with no sparing hand, upon a profession, of which he was—if not a limb—at least a twig, although a very small one, arose and addressed the orator of the evening, to the latter's astonishment, and that of the audience.

"Sir," said Dan, "did I understand you to say that you would neither offer resistance to, nor prosecute, a person taking your coat?"

"I *said* so, sir," replied the amazed non-resistant.

"But," continued Dan, "I wish to know if you really avow that determination upon your own part, or merely mean it as a part of your lecture, and an exemplification of the principles which you profess?"

"I say *distinctly*, sir, that my conduct would be as I have stated," was the reply.

"Well then," said his tormentor, rising, and blowing out his fat cheeks, 'very like a whale,' "I am a lawyer, and like to put everything to the proof, and now, I call the audience to witness your words. I know a poor man, sir, and an honest one, that needs a coat more than you do, and if you do not retract, I shall take it from you, and give it to him."

Dan started for the rostrum, and even was about ascending, when the alarmed and astounded exponor of non-resistantism cried "peccavi!"

"Stop, sir," said he, "I was preaching what we *should*, not what we *do* perform."

Our lecturer's course was cut short by an untoward event. A severe defeat at the game of draughts was formerly, and, probably, is now, termed "a skunk." The man was "skunked."

Great events hinge upon small causes. A refractory pig is said to have occasioned the late war between the

United States and England, and the capture of one of the hereabove hinted-at, odoriferous purloiners of poultry,—known "down East" as "Wethersfield dogs,"—by a party of urchins, resulted in the non-resistant's defeat.

In the midst of an impassioned harangue, the animal was thrown into the centre of the building. It was cold weather, the doors were closed and a brisk fire burned in the stoves. An immediate retreat was the necessary consequence.

These "non-resistant" gentry may do very well in some quiet humdrum eastern village, where the appearance of the parson's wife in a new silk dress, is enough to produce an extraordinary excitement; where a rise in hoe-handles, axe-helves, or rake-stales, is a signal for an *émeute*, such as it is; where the principal amusement of the ladies is found in those female "Schools for Scandal," yclept sewing circles, and famous for the instruction of juvenile feminine "Ideas" in the art of "shooting" *at* the reputation of every female in the village, "present company excepted," and of giving an especial stab at the character of those whose position in society is superior to their own: where the anti-slavery almanac, the most "ideal" work of the age, and fully equal in imaginative description to Gulliver's Travels, Baron Munchausen, and Peter Wilkins combined, is purchased, and every one of its impudent and barefaced lies swallowed as pure gospel. They may do *there*, but in the GREAT WEST, men and women of very different calibre are required. Accustomed from infancy to the excitement of the real dangers ever attending the settlement of new territory, they can neither understand nor forgive the pertinacity with which some of their eastern brethren insist upon letting their own business alone, and minding that of their neighbors and the community in general.

Cross the mountains, descend the "Belle Rivière," and the "Father of Waters," and you will find everything upon a gigantic scale. Earth, air, and water all combine to produce this effect. Land more rich than Canaan's soil, yields overweening crops of cotton and of corn. The storms are hurricanes, the rivers vast inland seas; and, is it not surprising, where everything is expanded, that man should partake of the general feature?

It is so, indeed, and while in size they rival the sons of Anak, their virtues, their courage, their hospitality, and their crimes are all in the same proportion.

The entire world cannot produce such a collection of unmitigated scoundrels as are to be found there, some spending their time upon the rivers, some passing for planters and tavern-keepers, scattered through the South and West at convenient distances, making a chain of posts for the accommodation of their brethren, and others prowling about under various guises, as horse-dealers, negro drovers, and peddlers, but carrying on the more profitable trades of negro stealing, robbery, and murder. Commencing in most cases with gambling, the western scamp seldom pauses in his career, until he has reached the topmost round in the ladder of crime.

No boat ever travels over the Mississippi, Ohio, or their tributaries, without the accustomed freightage of "Chevaliers d' Industrie," as much superior in audacity and villany to their congeners of the old world, as is an incarnate demon of hell to a common every-day rascal.

Boats are owned by associations of these scoundrels, run to facilitate gambling and robbing operations, and I would here warn all tyros in Western travel to inquire well into the character of both boat and captain before embarking, and when on board, to be seduced into no game of chance—even for amusement—with a stranger.

Some few years since, I think in 1842, a man was hung in Cincinnati, who, although but twenty-four years of age, confessed to twenty-two murders.

According to his own story, he had been for three years of his career a nominal barkeeper upon a Western boat, in order that he might have a better chance to commit and conceal crime.

Travelling as a solitary gambler, while a mere boy, he had marked one of the passengers for his prey, under the idea that he carried with him a large amount of money. He engaged a part of the same state-room, and not succeeding in his efforts to inveigle the man into a game of cards, determined to murder him in the night and leave the boat with his booty.

He succeeded in the commission of the crime, but as he was searching for the supposed money, the door opening upon the guards was unlocked, and the captain of the boat entered.

Both were astonished, and the murderer paralysed, until the captain, the older adept in guilt, informed him that he had only forestalled his intentions, and proposed a division of the spoil.

For three years he remained upon the boat, engaged in gambling, and, when a fair opportunity presented itself, murder.

When all or a great portion of this tribe of villains were united by that arch-fiend Murrel, they presented a phalanx of crime that seemed almost impregnable to the law, and could only have been checked, for entirely uprooted they were not, by the ultra means adopted in Mississippi.

CHAPTER IV.

THE LAND PIRATE.

THAT circumstances may arise when nothing less potent and immediate than the application of Lynch law can prevent wholesale robbery and murder, was most conclusively proved by the events which occurred in Mississippi after the capture and imprisonment of Murrel, the "Land Pirate."

In order that my readers may properly understand the very extraordinary state of affairs that existed in the Valley of the Mississippi at the time, it is necessary for me to give some account of the pirate, his plot, and his capture; for singular as it may seem, few Northern men have ever heard the name of Murrel, or known anything of his conspiracy—a conspiracy which enrolled in its ranks almost every villain in the Southwest, and aimed at no less a crisis than the total destruction and ruin of the Southwestern states.

John A. Murrel was one of the worst class of Western villains. After a career of crime almost unparalleled, he conceived and apparently carried near to execution a plan which, if perfected, would have plunged the entire South and West into an abyss of misery and desolation.

Whether he would really have pushed his designs to the extent he induced his adherents to believe, is a matter of doubt; for although when a prisoner he was anxious that they should make the attempt, it is probable he might have confined the sphere of action, or have deferred for a long time the execution of his incredibly daring plot.

His idea was to revolutionize the entire South; to cause the negroes to rise simultaneously, and, under the command of his associates and himself, to lay waste city and country, to burn, rob, murder, devastate, and destroy.

His plans were deeply laid. To a few he confided the extent of his design, and to each of these gave the authority to enlist all the minor villains of their acquaintance. The latter were termed Strikers, and used but as tools—in fact, as the hands to do the work of the conspiracy—while the Grand Council, as head, controlled their motions.

They were sworn by the most horrible oaths to secrecy, and to the unhesitating performance of all the commands of their superiors. To violate their oaths was certain death.

In a short time, Murrel had bound together in his chain the great mass of robbers and minor villains in the West, but this did not content him. For all the purposes of mutual assistance in counterfeiting, robbery, negro and horse stealing, the present confederacy might suffice, but it was necessary for safety and the completion of his grand design, that his band should include among their members men of an entirely different class—men of standing in society, and of name in the world.

To accomplish this, he established throughout the entire South, or perhaps more particularly the portion that borders upon the Mississippi river, a *cordon* of robber police, so well drilled, so effective in their operations, that Vidocq himself might have envied the perfection of the arrangements. Every crime not committed by one of the gang was traced immediately to its author, and the criminal was astounded on discovering that deeds which he supposed none but his God and himself to be cognizant of, were known by numbers, whose mandate he must obey implicitly, and among whom he must enroll his name, or be immediately exposed to the world and to justice.

It is not, at this late hour, for us to learn that petty crimes, or those of the first magnitude, are not confined to the lower walks of life. All, however, were fish that came to Murrel's net; the low gambler and the rich villain were equally received with open arms.

Not content with detecting crime, his victims were seduced to commit it, and the trap then sprung upon them.

In this manner, ere long, he numbered men of all classes and grades, including many persons of wealth, *judges, lawyers, clergymen, militia officers of high rank*, planters, merchants, &c.*

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* Lest the reader may think that I have either been myself imposed upon, or am seeking to impose upon others, I here insert an extract from a Galveston paper, published within the last four years. In my account of the Murrel conspiracy I have been particularly careful to insert nothing of the truth of which I am not positively certain; many of the facts are from personal knowledge, or from the knowledge of those upon whose word I place implicit confidence.

THE MURREL GANG IN WASHINGTON COUNTY.

"The *Texan Ranger*, of the 10th instant, contains the confession of A. G. Grigg, one of the gang of thieves whom the citizens of Austin, Fayette, and Washington counties (where the operations have been principally carried on) have determined on exterminating, or otherwise stopping their infamous career. This confession exhibits an organized and systematic plan of procedure, as well calculated to accomplish the nefarious ends of the band as to escape the penalties of the law and justice in case of detection.

"The published names of those connected with the gang, are:—

The great secrets of the confederacy were confined to the leaders, known as the Grand Council, and the Striker's only duty was to obey the every command of his superior.

Members of the clan recognised each other by certain signs, and the correspondence between the leaders was conducted in a cipher.

Perhaps the most singular circumstance connected with the history of this affair is, that although the designs of Murrel must have been known to some two hundred of the superior villains, and the existence of the plan to more than as many thousands; yet with so much fear did they

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"Rev. Nathan Shook, of Crocket; Judge Kelsoe, or Kersaw, living somewhere on the Gaudaloupe river; Orland Snapp, Lewis Boren, Bill Short, William Howitt, George Carmine, James Cox, Nathaniel Greer, James McLaughlin, James Crook, D. D. Ritchey, and a man named Agery. The latter controlled a mint, located above Brownsville, on the Rio Grande, but which none of the others were made acquainted with. Agery supplied his accomplices with spurious coin for fifty cents on the dollar, in good money, at the Star Hotel in this city, which establishment, according to Grigg's confession, he had rented, and Bill Short was to be proprietor. Agery paid two hundred dollars, in good money, for each negro delivered to him, or four hundred dollars in spurious coin.

"Passing counterfeit money, stealing negroes, cattle, and other property, were the principal branches of business followed by this extensive association. A correspondent of the *Ranger* says, the number of negroes stolen from the counties named is very considerable. Two of the gang, Short and McLaughlin, were tried for murder in 1848, but by means of their associates on the jury got clear, and afterwards boasted that they had followed one of the state's witnesses to take his life for giving evidence against them, which it is thought they succeeded in doing. The same correspondent says, the gang is composed of ministers of the gospel, merchants, lawyers, farmers, traders, and also that some EDITORS of newspapers are inculpated, as having aided by their advice and support.

"We are curious to know who the editors are, and look anxiously for the full disclosures."—*Galveston News.*

regard the confederacy, or with so much faith did they believe in the power, talent, and management of their leader, that it was through him, and through him alone, that they were ultimately betrayed.

The circumstances of the discovery of the plot were these:

Murrel had owned a farm, or plantation, for a number of years in Madison county, Tennessee. Here his true character was for a time unknown, but the frequent losses of slaves and valuable horses by the neighboring planters induced them to regard him with suspicion, which indeed his singular and mysterious mode of life warranted them in doing.

He was absent months at a time from his home and wife without any apparent reason, or ostensible business. His home was a rendezvous for strangers of a suspicious character; persons were often seen to arrive and depart at the dead hour of the night, and in fact everything concurred to produce the impression upon his neighbors, that not only was he a dishonest and dangerous character, but also a leader or chief of some unknown band of robbers, counterfeiters, or murderers—perhaps all the three.

Suspicion led to a closer scrutiny, and scrutiny to detection. A neighbor had lost a number of slaves, and for several days could find no trace of them. At length, the overseer of his plantation discovering one of the runaways creeping into his deserted "quarter" at night, gave chase, and after some trouble succeeded in capturing him.

From him they obtained a knowledge of the *locale* of the rendezvous, and the name of the negro thief. As they had anticipated, it was Murrel.

The testimony of a negro against a white man, however, is invalid in Tennessee, and it was necessary to detect the criminal themselves.

The negro was accordingly directed to guide his master and a number of well-armed men to the spot in silence, and then rejoin his associates, being threatened with the penalty of death if he should in any manner betray the design of his captors.

The plot succeeded. Hardly had the company been cautiously posted around the negroes, when Murrel himself, bearing a basket of provisions in his hand, made his appearance, and immediately began to divide the food among them.

After the party had seen and heard sufficient for their purpose, they rushed upon the villain, and secured him.

Taken entirely unawares, Murrel's coolness did not in the least desert him; on the contrary, he turned upon the owner whom he had robbed, and congratulated him upon the recovery of his slaves, stating that he had himself discovered them but a short time before, and that he had beguiled them with fair promises and kind treatment into the belief that he was their friend, solely for the purpose, however, of securing them for him.

Despite his self-possession, how-ver, he was bound, and carried in triumph to the county jail, where, in a day or two, he was bailed for a heavy sum. The day of trial arrived, and to the astonishment of every one, Murrel delivered himself up. So dark appeared the case, that the idea was universal that the bail-bond would be forfeited, and the criminal seek safety in flight. They were doubly mistaken. Murrel had employed skilful counsel, and his own knowledge of criminal law was not to be despised. It soon appeared the count in the indictment charging him with "negro stealing" could not be sustained, and he could only be convicted of harboring the negroes.

A verdict was accordingly rendered against him for this offence, mulcting him in a few hundred dollars, and against this he contended, appealing to the "Supreme Court," upon the ground of the unconstitutionality of the law against "negro harboring."

Failing in their attempt to inflict a severe penalty by law, the citizens in Madison, or at least many of them, determined upon taking the affair in their own hands, and accordingly organized a company with the intention of "Lynching" him. Here again were they out-generalled; for, perfectly apprised, through his spies, of their intentions, he summoned his adherents around him and prepared for a desperate resistance. Nor was this all. The enemies' camp counted among their number several of his spies, who not only notified him of their every movement, but spread discord among the company, and finally leaving it in the pretended fear of the consequences, induced the others to abandon the design.

Murrel had conquered; and now, feeling himself almost invulnerable, determined upon revenge, not dreaming that he had yet to cope with one, his equal in coolness and courage, and his superior in cunning.

Among the most obnoxious of Murrel's neighbors was a Methodist minister of the name of Henning. He had been active in organizing the corps of regulators, and had used all his influence to persuade the planters of Murrel's guilt and bad character, and upon him the desperado determined to be fully revenged. Henning had two fine and valuable negroes, and Murrel, without much difficulty, persuaded them to run away. He sent with them one of his "Strikers," whom he furnished with fast horses, to enable him, if hard pressed, to escape; but remained himself at home, in order to evade suspicion.

In this respect his precautions were useless; for as soon as Henning missed his slaves, he sent a quick-witted spy to watch every step of the supposed thief, and to obtain from his wife, if possible, some information of his intended movements. In the latter attempt the spy was successful, and discovered that Murrel intended to leave for the town of Randolph in a fortnight. Henning consulted with his friends as to what course it would be most advisable for him to pursue; but unfortunately, in this sad world which we inhabit, no man can be sure of a friend, as the worthy preacher soon after found out to his cost.

The very man in whom he placed the most confidence, and whom he first consulted upon the subject, was a member of the clan, and one of the Grand Council, and of course the information was conveyed to Murrel with all possible speed.

The latter now had the double advantage of knowing his adversary's game, while his adversary supposed himself to be equally wise. With his characteristic boldness, Murrel addressed the following letter to Richard Henning, a son of the old preacher:—

DENMARK, January 28, 1835.

SIR,—

I have been told that you accuse me of being concerned in stealing your own and your father's negroes; and I have been told also, that you have thought proper to vapor about what you would do with me if you could be sure of having me on equal terms. I say I have been told these things; and I wish to reply, if they be true, that I can whip you from the point of a dagger to the anchor of a ship. But, sir, if I have been misinformed by malicious persons, who wish to do you a discredit, I trust you will receive this letter as a message of friendship. I am about leaving for Randolph, and shall be pleased to have your company on any terms you may choose, or to satisfy you, if it is necessary, that my intentions and business are honest.

Yours, according to the truth or falsity of the rumors,

John A. Murrel.

Richard Henning.

At this critical time, Virgil A. Stewart, a friend of Henning, appeared upon the field, and the whole affair was laid before him.

No answer had been returned to Murrel's letter, and he supposed that his object—to prevent pursuit—had been attained.

Very different, however, were the intentions of the Hennings and their friend. The latter advised them to closely and carefully slow-track Murrel, until they found what his real destination was, and what the business might be that led him there; and, moreover, volunteered to accompany Richard Henning. His offer was accepted; and on the eve of the day when Murrel had informed them of his design to leave, Stewart started with the intention of riding a few miles upon the road to the house of a friend, where his companion was to join him at an early hour next morning.

Morning came, but no Henning; and Stewart, after waiting impatiently three or four hours, determined to proceed alone, although almost unarmed. Whether he would have done this had he known, as well as he afterwards did, the character of the man whom he was to encounter, is a matter of doubt; but it is certain that the pages of history can show no greater instance of the display of presence of mind, energy, determination, and courage, both moral and physical, than he evinced in the successful pursuance of his design.

CHAPTER V.

THE WOLF TRAPPED.

Stewart had reached the first toll-gate upon his road, and was in the act of inquiring of the keeper if Murrel had passed during the morning or last night, when the person himself rode up. Stewart continued his conversation with the keeper until Murrel had ridden out of sight, and then being satisfied with regard to his identity, mounted his horse in pursuit. It had been his intention to follow his man closely, and yet to keep out of his sight, but accident prevented this. The day was cold, and Stewart's horse, unperceived by his master, quickening his pace, brought him within sight of Murrel. The latter was looking round at him when Stewart first perceived their propinquity; and now, without checking his pace, he rode up, and entered into conversation.

Murrel was very inquisitive. Stewart informed him that he was from the Choctaw Purchase, travelling in quest of a valuable horse that he thought must have strayed in that direction.

To the inquiry, "If he knew a man of the name of Murrel?" Stewart returned so prompt a negative, and endured the scrutiny of his inquisitor's eye so unflinchingly, that Murrel, who trusted implicitly in his judgment of men by their looks, banished entirely his first idea, that Stewart was a sleuth-hound, that the Hennings had put upon his trail.

In some respects, Murrel's judgment of his antagonist was correct. He saw courage, energy, and determination in his face at a glance, resolved to sound him, and if possible to enlist so valuable a recruit to serve under his own black flag.

Stewart intentionally spoke in such a manner as to give his new acquaintance an idea that his morals were of the loosest, and in fact said so much that Murrel, thinking he was wasting his labor after all upon one who was already a member, endeavored to draw from him the secret sign of the confederacy.

Failing in this, he set to work in earnest, and commenced a recital of the exploits of "this aforesaid Murrel"—speaking of him always as of a third party. Murrel's weak point was vanity, and Stewart's pretended admiration of the villanous performances, related with so much *goût*, so won upon him, that, completely deceived as to the latter's character, during the first day's ride he expressed and really conceived a kind of friendship for him, and exacted a promise that he would accompany him as far as Randolph, in the hope of obtaining some information of the missing horse. A desperate game truly did Stewart play; but from the beginning of their acquaintance he had, and kept the advantage.

The journey to Randolph occupied five days, during which time Murrel, satisfied that his first estimate of Stewart's character was correct, opened all his plans to him, and proposed to raise him immediately to a post of honor if he would join the gang. Stewart consented.

At this time, the least suspicion of his true character and intentions, would have cost our modern Vidocq his life; and indeed he ran a very narrow risk of discovery.

He had assumed the name of Hues, and unfortunately the route which he and his companion were pursuing led them to the village of Wesley, where they were to pass the night, and where Stewart was known to several residents. He fortunately succeeded in escaping momentarily from Murrel's vigilant eye, under pretence that the services of a blacksmith were required for his horse; and during his temporary absence met a gentleman of his acquaintance, to whom he confided his critical situation, and requested him to mount, as it were, guard over the tavern, and if any person who knew him should approach, to prevent them calling him by any other than his *nom de guerre*. His friend obeyed, and learning Stewart's determination to dare everything, and to follow Murrel until he was satisfied of his true designs, he provided him with arms of defence, of which Stewart was in great need.

Three times after this, did Stewart communicate to persons upon the road, something of the character of his companion, and of the desperate enterprise which he was pursuing.

The travellers at length reached the Mississippi, opposite the mouth of Old River, and crossed in a miserable canoe, during a violent tempest—having left their horses upon the eastern side. After landing upon the Arkansas shore, they proceeded some distance through a dense canebrake, crossed three streams of water, and at length stood upon the shores of a lake, in the centre of which a small island was seen.

This was the rendezvous of the Grand Council—a fitting place, truly, for a congress of murderers;—a spot shunned by man, unknown save by the wild beasts who chose it for their home. The rattlesnake and moccasin, less venomous than the human reptiles who herded there, crawled under the primeval and miasma-fed drapery that shrouded the deadly cypress, the only tree that claimed the soil for its own.

Upon the island, Stewart found a number of the villains, and also the missing negroes of Mr. Henning. The Grand Council, or rather their representatives, had met to concoct plans for various nefarious enterprises, and among them the wholesale robbery of the negroes of Mr. Henderson, an absent planter, by his overseer. Stewart, now regularly inducted into their plans, secrets, and signs, being entirely satisfied with regard to the plans of Murrel, became naturally desirous to escape; and under the pretence of having left, by mistake, some valuable papers at the house of a Mr. Erwin, obtained leave of the chief to return there, upon the condition that he would await his own arrival before departing for home.

The Mr. Erwin to whose house Stewart returned, was one to whom he had confided something of his hazardous enterprise and of Murrel's character. Besides Erwin, he had also informed two other persons upon the road, and all of them entered fully into his plan. One, a Mr. Haynes, promised in case of any emergency, or of his not returning at the appointed time, to raise a company of fifty armed men at half an hour's notice, and take the field to capture Murrel, and such of his gang as he might find.

With Erwin, Murrel had contracted to deliver three negroes at a certain price, and Stewart had, before crossing the river, arranged with his host to lead the pirate on to the completion of the contract, and have him arrested after the slaves had been received and paid for.

I have thus far related the train of events which led to Murrel's capture, tersely and drily, in fact epitomizing the testimony in the case; but before arriving at the crisis, let us for a moment consider the peculiarly dangerous and extraordinary position in which Stewart was placed.

He had embarked upon the enterprise with the sole intention of recovering the negroes of his friend, and bringing the thief to justice; but in pursuit of his design, had raised the curtain of an arcanum of crime as frightful as it was unexpected.

At first, he probably supposed Murrel to be vaporing with regard to his power, to the number of his clan, and the horrid extent of his plans; but when, as the latter proceeded with the details of his plot, giving name after name of persons well known in the community, and many of them in offices of power and trust, and when he exhibited to him proof that he had already commenced negotiations with some of the prominent abolitionists in the North, to obtain their countenance and assistance, he became convinced of the frightful reality of Murrel's statements.

The imminent peril which Stewart incurred by this discovery cannot, we think, be properly appreciated by those who have spent their lives in a densely-populated country, one where a man is comparatively free from the danger of assassination, and where, such a clue as Stewart now possessed, would be followed up by an active band of drilled police, hied on by efficient magistrates, and a powerful and independent press.

Imagine the situation of our hero, compelled, if he would sustain the part of a true-hearted, honest man, to enter the field of battle alone, and single-handed, against a host of known, and perhaps thousands of secret enemies, to contend against them at a sacrifice of money, time, probably reputation, and life itself, and all, to preserve the lives and fortunes of those who, he must have known, would never appreciate the sacrifice, and who would, and did, believe that his knowledge was only derived from his guilty connexion with the pirates, and his betrayal of their plot but stimulated by the hope of great reward.

Many men of passing honesty, situated as he was, would, with the fear of death before their eyes, have enrolled themselves in the devilish service. Most men would have consulted their safety in flight, and kept the frightful secret to themselves. Not one in a million would have acted with the energy, fearlessness of life, and stern determination of purpose, of Virgil Stewart.

To resume the thread of our narrative. Upon arriving at Erwin's, Stewart informed him, as far as he dared, of his momentous discoveries, and warned him to observe great caution in the conducting of his plot for Murrel's capture.

On the next day Murrel arrived, and on the succeeding, left with Stewart for home. They pursued the same road over which they had already travelled, and parted near the village of Wesley; Murrel hastening home, and Stewart turning off upon a by-road, until the former should have had sufficient time to pass through the village, and then hastened to enter it, and to visit the person who had assisted him when he had before passed through on his eventful journey. On the next night he arrived at Henning's house, and there he related some part of his extraordinary adventures.

Before Stewart, fatigued and worn both in body and mind as he was, had arisen, Henning had summoned a number of his neighbors to consult with them. But one opinion prevailed; that it was necessary to collect a sufficient force and arrest Murrel. Stewart was somewhat indignant at Henning's proceedings, and remonstrated against what he deemed a too precipitate course; but in vain.

Murrel was arrested by an officer with a numerous posse of armed men, on the same night. Even while upon the route to the jail, some of his followers must have succeeded in mixing with the guard, for the bands which secured him were cut; a pistol was fired from a piece of woods at Stewart, and the ball cut his bridle-rein in two.

As soon as Murrel was incarcerated, Stewart and young Henning set out to obtain testimony, and the villain himself prepared, if possible, to defeat them. News of his capture had been sent through the entire clan, and they were all up and on the move, as spiteful, determined, and ready for mischief, as the disturbed denizens of a hornets' nest.

It is a miracle that Stewart escaped from assassination. He was surrounded by unknown dangers; men whom he deemed his friends—even two persons in whose hands he had intrusted his property, and with one of whom he lived—proved afterwards to have been of the number of the Land Pirates.

His every step was dogged; his house was watched at night; an effort was made to enter his room, and murder him in bed, which was frustrated by his watchfulness; for, discovering that there were persons prowling about his house, he remained at the window, and shot a man as he was about entering it. At last, an attempt was made to poison him at the house where he boarded, from which he was saved by his having most providentially discovered the true character and designs of the host and hostess.

This discovery was in keeping with his other wonderful adventures. He met one of the gang who did not know him, and suspecting who the man might be, tried him with the robber-sign, and found his suspicions verified. From him, Stewart learned the intended rescue of Murrel; his plan to have him (Stewart) arrested for counterfeiting, and the different preparations for defence if brought to trial.

Murrel escaped, fled, was finally traced to Florence, Alabama, recaptured, and taken back to Madison.

He did not then by any means despair, and having engaged one of the most skilful lawyers in the state, and himself prepared a vast amount of suborned testimony, he hoped to escape from justice, and to fix upon his enemy the brand of infamy. Here again his calculations were overthrown in a manner as startling to him and his friends as it was unexpected. Stewart had taken down the names of every one of the clan whom Murrel had named to him upon the journey. This he did while riding by his side, writing them upon scaps of paper, or if impossible then, at the next time that he had an opportunity. When upon the stand, he narrated in a clear and concise manner, the whole of his adventures, and drew from his pocket the very scraps of paper upon which were written the names of the conspirators.

There was a great confusion in Murrel's camp. His witnesses walked, one by one, quietly out of the Courthouse, until all the important ones were among the missing; they were the very men whose names had just been read.

Murrel's last hope fell to the ground; he was convicted of negro-stealing, and sentenced to ten years' imprisonment in the State Penitentiary.

Great was the consternation of the clan at the incarceration of their leader, and at the frustration of their bloody plot.

Many of the Grand Council, however, did not abandon their design, trusting that a story, apparently so incredible as Stewart had related, would not be generally believed by the people of the South West, and also relying on the number and great dissemination of the clan, whereby a thousand tongues would be engaged in blackening Stewart's character, and ridiculing his tale. The latter, however, determined to persevere in despite of difficulty, danger, and defamation, and in February, 1835, published a small pamphlet which contained an account of his adventures, and an exposure of the plot.

The time for the general rising of the negroes had been originally the 25th of December, 1835, which was selected as the Christmas holiday, always a saturnalia for the Southern negroes, and they might assemble without suspicion. The attention of the people, however, was completely awakened, the belief in Stewart's story general, and it was evident to even the most sanguine of the conspirators that this time must be abandoned.

Ruel Blake, who was the acknowledged chief of the Mississippi squad, after consulting with his brother villains, issued his mandate that the time for action must be accelerated, and fixed upon the 4th of July. There is no doubt but that Murrel himself was advised of this change of plan, and that he acquiesced in it.

CHAPTER VI.

JUDGE LYNCH'S INTERFERENCE.

Blake found the Mississippi conspirators firm in their bad purpose, and willing to second him; but those of the adjoining States were terror-stricken and demurred, so that he was forced to confine his operations to the former.

Every preparation was made, and the whole affair actually conducted to within eight days of the proposed crisis, when an exposure took place. A lady residing in Livingston county, who had been induced to watch her slaves very closely, from a singular alteration in their demeanor, overheard a conversation between two of them on the night of the 26th June, which filled her with terror and apprehension. She immediately consulted with her son, and one of the parties, a girl, was summoned into the house, informed of what had been already heard, and finally induced to confess.

The information was laid before the "Committee of Safety" of the county, early the next morning, and they proceeded to investigate the subject in the most active manner. The knowledge of the conspiracy was traced back to four slaves, who were the ringleaders among the negroes, two of them preachers; and their guilt being fully established, they were hung.

Up to this moment no agency of a white man had been discovered; but on the next day further information was furnished the Committee, and then through this second channel they at last reached the fountain-head of the mischief.

Want of space prevents a description of the scenes that followed, but I will glance at the proceedings in Livingston.

With every certainty of the correct and forcible administration of the law, there would have been now no time for its formal delays; but knowing, as the citizens did, that they stood, as it were, upon a volcano ready to explode, that the law was utterly impotent in the premises, and that no man could be depended upon save him, who went heart and hand with them, in crushing the conspiracy in its bud; but one course was open. The Committee did all that could have been expected from them. As fair a trial as it was possible for them to give, was allowed the accused. The Governor of the State was consulted, and issued a proclamation approving of their proceedings.

The most important conspirators that were living in Livingston were Ruel Blake, Cotton, Saunders, Donovan, and Dean. A man named Lee Smith was found guilty of some knowledge of the plot, but allowed to depart upon the condition that he would leave the State. He fell into the hands of the infuriated citizens of Hinds county, and was slain. Two Earls were also arrested, and made confessions. One hung himself in his cell, and the other was sent to Vicksburg, and we believe escaped.

The guilt of these men was proved by the most clear and indubitable evidence; by their confessions upon the gallows, and by their implicating one another.

Here is the confession of Dr. Cotton:—

"I acknowledge my guilt. I was one of the principal ones, with Boyd and Ruel Blake, in getting up this conspiracy. I am a member of the

Murrel clan, and belong to what we call the Grand Council. I have counselled with them on an island in the Mississippi, and once near Columbus, this spring. Our object in undertaking this clan was not to liberate the negroes, but to get plunder. It has been in contemplation several years, but fell through on Murrel's conviction and imprisonment. We sought to revive it on the plan laid down in Stewart's pamphlet. From the exposure of our plans in that publication, we feared the citizens would be on their guard on the night of the 25th December, so we thought we would take by surprise on the night of the 4th July, and it would have been to-night (and may be yet) but for the detection of our plans. There are about one hundred and fifty of our clan in this state. Boyd is the leader, and the Earls, who swore for us on the 1st, were his main men. Saunders was in the plot. Blake's boy, Peter, was justly punished, for he was very active in corrupting his fellow negroes. There are arms and ammunition deposited in Hinds county, near Raymond.

"(Signed) JOSHUA COTTON.

"July 4th, 1835."

The gang of villains whose projects were thus frustrated was very far from being annihilated. They had learned too well the benefits to be derived from a mutual system of assistance and co-operation, by a combination of persons in the different walks of life,—from a proper apportionment of labor, in the true spirit of Adam Smith's doctrine of economy,—to again recommence the career of iniquity, unaided and unabetted.

They had learned that by proper management, by the application of brute force, of threats, of example in some situations, and the juggling of courts, witnesses, and juries in others, that any confederate was comparatively safe from every danger of being overtaken by retributive justice, save by the dreaded and fatal Lynch Law.

The members of the band generally changed their posts; those who were planters and merchants, finding themselves objects of suspicion, sold out,—often to others of the clan, whose characters were as yet unknown to their new neighbors,—and moved to some adjoining state.

The Grand Council was probably done away with, and having now no acknowledged leader, they divided themselves into numerous small parties, each with their chosen chief and manager, unconnected with the others in any momentous project, but still known to each other, and furnishing shelter and assistance to any villain or villains who might require it.

Many of them emigrated to Texas, and it is of this section that I would speak, being intimately acquainted with their movements from personal observation.

One of the first who met with his deserts was an old man by the name of Yokum, who had been the terror of the part of Louisiana where he formerly resided, we believe upon Plaquemine Brulé, or in that vicinity. It has often been told us by old settlers from that portion of the state, that not one of Yokum's family, or of the gang whom he kept around him, had met with a natural death.

This patriarch in crime selected "Pine Island Prairie," in the lower part of Eastern Texas, a place where he would be but little troubled with inquisitive neighbors; and where, from its location upon the road leading from Belew's Ferry upon the Sabine through Liberty, and crossing the San Jacinto at the Attascaseta ford to Houston, he would be sure to *entertain*, that is, "keep" or "receive," almost every traveller that chose that route.

Knowing the advantages of a good character at home, he soon, by his liberality, apparent good-humor, and obliging disposition, succeeded in ingratiating himself with the few settlers who were, with backwoods courtesy, called neighbors,—any one within fifteen miles being entitled to the benefit of the term.

The first thing that attracted general suspicion and inquiry, was the appearance of his stud. Planters and stock-raisers in Texas keep many horses, but they are usually of the small breed of Louisiana Creole ponies, or those of the Spanish kind. The larger breed of horses from the Northern or Western States are designated as "American horses," and seldom met with, unless perchance a physician, lawyer, or wealthy planter may keep one as his especial saddle-horse. Travellers, however, are generally mounted upon them.

No Texan can conceal his stock of cattle, or his stud, as every acre of prairie and timber is thoroughly hunted over once and often twice a year, by large parties of stock-raisers, who join together and ride over the whole country within twenty and thirty miles of their residences, and very frequently much farther, gathering every four-footed beast into the nearest pen, and selecting out their own for the purpose of branding them. Ignorant, except of their own peculiar business; their knowledge of everything pertaining to cattle; their recollection of, and skill in managing them, is wonderful. It is not surprising, then, that the large and increasing stock of fine American horses, which were found grazing in the prairie near Yokum's, excited their suspicion. Inquiries for missing travellers, and the non-appearance of some who were known to have stopped upon the road at houses east of Yokum's, but who did not make their appearance again, furnished additional cause. At length, by a very singular train of events, things came to a crisis.

A man named Carey, an industrious, hard-working person, settled upon a prairie, near Cedar Bayou, in company with a Mr. Page. They owned a small tract, and cultivated a small farm jointly.

Near them—in fact, the fences of their plantations joined—lived a Mr. Britton, a blustering, quarrelsome Down-easter, who, in consideration of his Goliah-like proportions, determined upon ruling the prairie.

Britton, Page, and Carey occupied the same "league" of land, and ere long the former was embroiled with the two latter in a violent dispute, commencing with a difficulty in the division of the property, and aggravated by that fruitful subject, a quarrel about their dogs.

Page kept sheep, but no dogs; and Britton dogs, but no sheep. Britton's favorite dog killed Page's sheep, and Page or Carey killed Britton's dog. Here, now, was a germ for a serious difficulty, and in itself a very pretty quarrel as it stood. Soon after, Britton met Carey upon the prairie, and horse-whipped him. Threats and recriminations followed, but nothing serious resulted from them for nearly a year.

At last, something again excited Britton's ire, and he sent word to Carey that he was braiding a lash for his especial benefit—a lash that would cut him to the bone.

Carey's business, that afternoon, caused him to visit a neighbor, a new settler, who was living, *pro tem.*, in a small log pen, or house. Here he found his antagonist,—sitting in the door, and leaning his head back against the door-post,—and also two or three other persons, who had called upon the new comer.

Carey entered, placed a rifle which he was carrying upon the bed, and, after remaining some half an hour, during which time nothing had passed between him and his enemy, rose to retire. His gun lay with its muzzle towards the door, and Carey stepped round the bed, as if to raise the gun by the breech. As soon as he put his hands upon the piece, it was discharged, and a ball passed through Britton's brain. He fell dead instantly, without groan or word. I am in error, however, in stating that he *fell* dead; for so quickly did death supervene the rifle's report, that he remained sitting bolt upright, and the spectators did not know until Carey had left the room, that anything more serious than an accidental discharge of the rifle had taken place.

The perpetrator of this homicide (whether accidental or intentional none but his Maker and himself can tell) immediately fled from the county, and took refuge with old Yokum, probably judging that his late deed would be a fitting letter of introduction.

Yokum received him with open arms, promised to protect and defend him, and, if necessary, to secure his retreat from the county in safety.

This, however, was very far from his real design, and he kept Carey housed for a long time, a prey to agonizing fears, which were not allayed by the tales he was told of the threats that the county had made of taking him by force, and lynching him.

Thus working upon his fears, Yokum prevented his prisoner (for such he really was) from carrying out the intention which he had expressed soon after his arrival, of delivering himself up for trial as soon as the momentary excitement of the people had died away; and ultimately persuaded him of the absolute necessity that existed to dispose of his property in Texas as best he might, and then to fly from the country. Yokum offered to purchase the "improvements," which were valuable, and to facilitate his exodus and that of Page's family; and placing full faith in his honesty of purpose, Carey gave him a letter to his friend, directing him to make a deed of sale of the plantation, &c., to Yokum.

Yokum immediately rode over to the scene of the late disturbance, and finding Page ready to comply with his partner's wishes, left with him several of his fine American horses, with which the family were to escape, and which was to be the first payment, together with a sum of money which he promised them,—towards the purchase of the estate.

During Carey's residence in this backwoods Alsatia, he had formed an acquaintance with one of the clan who seemed to have taken a fancy to him, and to whom he probably was indebted for his life. While Yokum was absent, this person opened Carey's eyes as to the whole plot, which was now drawing to its close. The whole property was to be transferred to Yokum by Carey's agent, Page, for a nominal consideration, and Yokum promised to hold it until he could sell it to advantage, and then to send the money to Carey, or to pay it over to his agent. In the meanwhile, the horses were given, or lent, and a small sum of money.

This, however, was all pretence, and Yokum's true design was to obtain a legal title to the plantation, and then to dispose of Carey in such a manner that there would be no danger of his turning up again. There was another necessity for this course: Carey had learnt too many and too dangerous secrets, for Yokum to trust him out of his sight. Carey escaped, and fled to the house of one of the most influential men in Liberty county, to whom he confided all his knowledge of Yokum and his doings, and also stated his intention of delivering himself up immediately for trial.

The people were called together, and determined to take the law in their own hands, to punish the guilty, and to drive the entire clan out of the county.

Upon their arrival at Yokum's house, they found that he had escaped, and setting themselves to work to make such investigation as they could, soon satisfied themselves of his undoubted crime.

A negro informed them where the bones of a traveller could be found, viz., in an old well; and those of another were said to have been discovered bleaching upon the prairie. Yokum's family were ordered to leave the house, the furniture was removed, and the premises set on fire. The family, and all of the hangers-on, had a certain number of days allowed them to move their effects and leave the county, being threatened with death if they ever returned. This last measure was one of necessity, as the safety of all those concerned in their removal depended upon it.

A party set forth upon Yokum's trail, and succeeded in finding him at a house near Spring Creek, in the present county of Montgomery, and then known as Spring Creek county. The culprit was secured and carried some miles on the homeward route, when his captors dismounted, informed him that his time had come, and giving him one short half hour to repent the villanies of a long lifetime, shot him through the heart.

The family of Yokum, and all connected with them, left the county and emigrated further west, denouncing the Lynching party and swearing that they would be revenged upon every one who had a hand in the affair. There is no doubt but that some of these threats would have been fulfilled, had not the citizens of Liberty county proved that they were terribly in earnest, in their determination to take instant and fatal measures, with any one of the clan who should dare to again cross the county line.

The least objectionable of all of Yokum's tribe, one of his sons, Christopher—perhaps the only one against whom some heinous crime could not have been established—had married but a short time before the general breaking up of the gang. His wife refused to accompany or to follow him, but promised to live with him if he would return; and, after waiting a year, he determined to do so. Whether this was a mere ruse to obtain a foothold again, and to provide a house of refuge for others to carry out their threatened revenge, I know not, but it proved a fatal affair for him. As soon as the sheriff heard of his presence, he immediately put him in the jail at Beaumont, in order to save his life, and if possible assist him to escape. But all precautions were useless. The people rose immediately upon learning of Yokum's arrival, and taking him out of jail, hung him upon the first tree.

Thus was entirely destroyed the branch of the Murrel gang in Liberty county, and the prompt action of determined men prevented it from becoming an abiding-place for thieves, and a den of murderers.

Concerning the after fate of Murrel, and his conqueror, Stewart, many contradictory reports are in circulation. I have seen a statement that the former, broken down in health and spirits by his long confinement, died of consumption soon after his release, and that the latter was at the present time a wealthy farmer in the interior of Pennsylvania. With regard to Stewart, I *know* this to be erroneous, and have good reason to believe that Murrel did not die from the disease or in the manner related.

After Murrel's imprisonment, and the *éclaircissement* which followed, furnishing proof indisputable of the correctness of Stewart's statements, his enemies, the yet undiscovered members of the clan, in a thousand ways sought to poison the public ear. They denounced him as a member of the clan, induced by hope of reward, by cowardice, or a spirit of revenge, to betray the plot. When a man has hundreds of secret enemies thrusting their stealthy but fatal daggers into his character, with but few friends who can but ward off the more open blows, his chance for obtaining even-handed justice from any community is small, and so it proved with our hero. For a time, his popularity was great, and the Legislature of Mississippi voted him ten thousand dollars to pay his expenses to and in Europe, under the impression that his life was in great danger in any part of this country. Stewart declined the money, refused to leave, and determining to test his popularity and the strength of his enemies, ran for Congress, but was defeated. Justly disgusted and indignant at the ingratitude of those for whom he had sacrificed so much, he left the state and country, and settled upon Peach Creek, within a few miles of the Colorado river, in Western Texas.

Even here he deemed his life in constant danger, and from this time did not dare to venture out from his cabin after dark, to have a light in his room, or to sleep in the same chamber as his wife. His hair and beard were neglected, and he sought to disguise his appearance, but all these precautions would have been of but little avail had not a secret but potent fetter been applied to restrain the hands of his revengeful enemies. It was said openly, by those of whose knowledge in the premises there could be but little doubt, that Murrel had commanded his friends to let Stewart alone, and to reserve him for his own vengeance.

Immediately after his release, he left for Texas, but had scarcely crossed the frontier when he was attacked by a fever which speedily terminated his infamous career. Stewart survived him a short time, dying a natural death.

Murrel was no common man. Possessed of an indomitable energy, great quickness of perception, an unshaken nerve, a power to influence and control all with whom he came in contact, it is probable that under different circumstances, and unexposed to those temptations which early led him astray, he might have been an honor and a blessing to his country in the council or in the field.

CHAPTER VII.

DEFEAT OF THE GAMBLERS.

The application of Lynch Law in large cities, in densely populated counties, or in any place where law and order rule, is to be deprecated as the greatest of misfortunes. Where such rude justice is not only excusable, but peremptorily necessary, it yields, after a short space, to the more slowly-moving and deliberate decision of the law of the land. But when peace and order have been once fairly established, to permit of their overturn, for a moment, is to establish a precedent for riot and murder—to open the door for anarchy and incalculable mischief.

The hanging of the gamblers at Vicksburg—an affair which made quite as much noise in the world as the burning at the stake of so many martyrs would have done—is by no means a case in point, and has been very unjustly, although almost universally, censured.

It occurred during the Murrel excitement, when it was known that the gamblers as a body belonged to, or were cognizant of, the conspiracy. At this time, every boat that plied upon the Western rivers was infested by gamblers, every village and town overrun with them. Reckless men, without hope or fear, they herded together, setting all law, both divine and human, at defiance, and shielding their companions from the consequences of any act, however heinous. Their only argument was the Bowie-knife, their only rejoinder the pistol-bullet.

The movement against them was not confined to Vicksburg, but with scarcely an exception, they were driven from all the minor cities of the South West. At this time the people became aware of the imminent danger which they incurred, and the gamblers, in the very spirit of the old adage, "*Quem Deus vult perdere*," etc., conducted themselves with increased audacity. They mustered in such force at Montgomery, Alabama, as to set at naught all municipal authorities and regulations. A hotel which they frequented was unlicensed, and the keeper, prompted by his customers, refused to pay fine or tax; and when an attempt was made to enforce some of the more potent arguments—the stocks and stones—of the law, the officers were met with closed doors, and the appearance of a very ugly assortment of fire-arms at the windows.

Forbearance ceased to be a virtue, and the citizens, assembling in numbers, declared that they would, at any cost, rid their city of the scum which had infested it. Arming themselves, they proceeded to invest the enemy's head-quarters, which they found prepared to sustain a siege—the doors barricaded, and the windows filled with desperadoes, who dared them to advance, and swore with horrid oaths, that the first man or men who should attempt to force the door, or even approach it, should be perforated with bullets.

Then occurred an act of cool and determined, almost unexampled, bravery upon the part of Edward Dargin, at this moment a Judge of the Supreme Court. Seeing that his party hesitated, he seized an axe, and deliberately advanced to the door. The gamblers covered him with their rifles, but entirely disregarding the danger, he ordered the citizens to advance, fire the house, and massacre every man within it, if the besieged dared to fire upon him.

The cool bravery of the man cowed the ruffians, and Dargin dashed in the door with his axe, apparently regardless of the muzzles of eleven rifles directed against him. The gamblers submitted, and left Montgomery, where, had it not been for this act of heroism, a more bloody tragedy than that of Vicksburg would have been enacted.

In Tuscaloosa, the gamblers were driven out at the point of the bayonet, or, to speak more correctly, at the muzzle of the rifle. The other towns imitated their example, especially those upon the Mississippi and Red River. For a time the *chevaliers d'industrie* scarcely dared to appear at all upon the boats, and when they did, were forced to conduct themselves with great circumspection, for upon the least disturbance, the boat was rounded to at the next wood-yard, and the culprit discharged. In any aggravated case, some of the uninhabited islands of the Mississippi were colonized by a set of modern Robinson Crusoes, whose chance of escape was rather slim.

At Vicksburg and Natchez, they had reigned supreme. They obtained complete and undisputed possession of a certain portion of the latter place, known as Natchez-under-the-Hill. This was of necessity the landing, and where all the warehouses for cotton and heavy merchandise were located, surrounded by dancing, drinking, and gambling houses. No man's life was safe in the streets one moment after dark, and passengers of the steamboats lying there, who returned to their boats after sundown, ran through the lower town as if the avenger of blood were behind them. The gamblers were expelled in a body, and shortly afterwards the lower town was destroyed by fire, doubtless an act of revenge on their part. Vicksburg boasted of no "under-the-hill," and so the gamblers, unable to colonize, as in the case of Natchez, determined to take the town itself, or at least to hold all the peaceable citizens in subjection, and all authority at defiance. So, for a time they did, but *their* harvest time came at last. In a quarrel, one of the party shot a Dr. Bradley, and when an attempt was made to arrest them, they barricaded the doors as their friends had done in Montgomery. Had they submitted quietly at first, their fate would not have been more severe than that of the latter; but when the armed citizens approached the house, they were fired upon, and several wounded, if not killed.

It needed but this: their cup of iniquity was full. Five of them were seized and hung; and had the entire gang in the South West met with the same fate, in the same manner, their destruction would have been an incalculable blessing to the country.

The man who, really knowing the condition of this section at this time, could stigmatize this action of the citizens of Vicksburg as a "barbarous murder"—which hundreds of prints, at home and abroad, have done—would be a fit candidate for the Non-Resistant Society, or Douglas, Smith, Kelly & Co.'s Liberty party of saints of the lower house.

Among the many abuses of Lynch Law which have occurred, I shall cite two, which I select for the reason that I am personally cognizant of the one, and intimately acquainted with the facts of the other. Moreover, the circumstances of the latter bear a striking resemblance to those attending an exhibition of popular vengeance in the quiet and law-abiding city of Edinburgh, during the regency of Queen Caroline. If any other reasons were necessary, I might further state, that these two events have been held up to the world, with their attending circumstances, atrociously misrepresented by that precious collection of "Glauber" salt of the earth, Garrison's generation of knaves and fools, and I also believe, that the days upon which these unhappy deeds occurred are marked as red-letter days upon the truthful (?) pages of the Anti-Slavery Almanac.

The small city of Grand Gulf, in Mississippi, was, on a certain Saturday night in May, 1848, a scene of the greatest alarm and excitement. A most brutal, and, as it was supposed at the time, a double murder, had been committed by a notorious negro, named Dick. He was a man of great muscular power, activity, and resolution, and but for his uncontrollable temper and savage disposition, would have been of great value to any master. A gentleman named Taylor originally owned him, and although a person of great strength and courage, found much difficulty in keeping the refractory slave in subjection. At times he would run away, and remain for days in the bush, and no one save his master cared to seek him. Mr. Taylor informed me that upon one occasion, when he came upon Dick unperceived by him, the fellow had a long knife in his hand, with which he was butchering, in imagination, all of those who had incurred his displeasure; and his recollection of causes of offence must have been very accurate, and the list of offenders a long one, to judge of the number of those over whose ideal slaughter he was gloating.

It is said, that when the idea of committing murder once fairly enters a man's brain, it never again abandons possession, but haunts him like a demon, urging him on, like the air-drawn dagger of the Thane. And so it proved with Dick.

A man named Greene, who owned a small "force," was engaged in the brick-making business, and, envying Taylor the possession of so valuable a man as Dick, endeavored to purchase him. For a long time Taylor refused, telling Greene honestly, that Dick was a very troublesome negro, one that could be kept in order only by an owner that he feared, and that he (Greene) had neither the physical ability nor the resolution to conquer him.

At length, wearied with Greene's pertinacity, Taylor set a price upon his man, so exorbitant indeed that he had no idea of its being paid; but Greene quickly closed the bargain, purchasing, at the same time, a tyrannical master and his own death-warrant.

As soon as Dick was released from Taylor's control, he gave free vent to his natural disposition, and in a very short time inspired his master, his overseer, and in fact every one upon the plantation, with such fear, that he became virtually the master of the place. His owner did not dare to punish him, nor did he think it at all safe to hint of selling him; and things went from bad to worse, until finally a tragedy was enacted, sufficiently bloody to gratify even the morbid tastes of the readers of Reynolds's school of novels.

Greene, returning to the house very early upon the above-mentioned Saturday, and feeling quite unwell, ordered Dick's wife, a house servant, to make him a cup of tea. He then threw himself upon the bed, and had nearly fallen asleep, when a loud noise in the kitchen, shrieks, and cries of murder, aroused him. A negro-boy rushed into the room, and begged him to come into the kitchen and prevent Dick from murdering his wife.

Greene sprang from the bed, and without stopping to dress, ran into the kitchen, where he found that Dick had knocked down the woman Maria with a flat-iron, for no other reason than because he had ordered her to iron a vest for him immediately, as he wanted to go to a ball, and she replied that she would do so as soon as she had prepared a cup of tea for her master, but could not before.

Before Greene could interpose either remonstrance or force, Dick—whose blood was up—seized him by the throat. Greene endeavored to retreat, and succeeded in making his way to his bed-room; Dick still clinging to him. In this room two loaded guns leaned against the wall; but before Greene could possess himself of either, Dick, who yet held him by the throat, fired two pistols at his head,—strange to say, without any other effect than breaking the glass of a window behind them.

Releasing his clasp of Greene's throat, Dick now seized him by the hair; drew him out of the room, across the piazza, and into the grass plot in front of the cottage, and in less time than the description of the deed occupies, cut him literally to pieces; inflicting seven wounds that would either of them have been mortal, and hacking and scarring the body all over.

The plantation negroes were all present, but offered no assistance to their master. As soon as they recovered from their paralysis of fear they ran and hid themselves in the woods.

When Dick had satisfied himself that his master was done for, with his bloody knife in his bloody hand, he rushed out of the inclosure, and down the hill, to finish the punishment of his wife. She, with one other kitchen servant, was concealed in the swamp at the foot of the hill; but when Dick called her, beside herself with fright, she left her hiding place and went to him. Without a word, the negro cut her through and through, and then leaving her for dead, started down the Bluff-road, that led around the town to the mouth of the Big Black-River, and would doubtless have made his escape but for the shrewdness of the same young negro who had at first given Greene the alarm.

Without stopping to see the result of the affray, the lad immediately ran down to the town, went first to a tavern upon the main road, and then to another, some distance up the river and near the Bluff-road. The boarders at either place were just awaiting the tea bell, and mustered pretty strongly. Fifty men, at least, immediately started for the scene of the murder; a part by the direct road, and a part—through the lad's advice—by the circuitous one.

The latter party captured the murderer, knife in hand, and brought him directly to the sheriff's office, when they were met by the other and stronger company, headed by a brother of the murdered man. They also had made a capture, and one that caused more alarm for a time, than the tragedy itself.

Half way between the bluff and the town, a negro heading for the latter, at full speed, with a butcher knife in one hand and hatchet in the other, ran right among them, and was seized and pinioned. The affair began to look like an insurrection among the negroes. The first party kept on to Greene's house, and searching it, found concealed in and under Dick's bed, twenty-one dangerous weapons of several kinds.

The two parties—as I have before said—met at the sheriff's office. The first—much the stronger of the two—declared their intention of taking the prisoner and burning him alive that very night, and were only prevented from so doing by the representations of the sheriff, that if they did, all chance of discovering those who were implicated with Dick, would be thrown away; and besides, that the next day being Sunday, the execution of Dick would be witnessed by many plantation negroes, and might produce a salutary effect upon them.

Having procured a temporary reprieve, the sheriff endeavored to obtain assistance enough to seize the negro, but was unsuccessful, and on the next day the murderer was hung, and his body burned. Had it not been for the active interference of a Mr. Smith, the then editor of the Grand Gulf paper, the prisoner would have been burned at the stake; but the latter called the attention of the citizens to the effect of the late burning at Saint Louis upon the public mind; and begged that a jury might be selected, and the prisoner receive at least the form of a trial.

The question was put to vote, and all but five or six of the hundreds assembled, voted in favor of a jury.

There was no real necessity for anticipating thus the slow, but in this case, sure action of the law, and the only excuse that it will admit of is the fact that sixteen negroes had been arrested the previous night who proved to have been implicated with Dick,—at least so far as furnishing him with weapons. This created a very general fear of an intended insurrection, which, perhaps, the immediate execution of the ringleader might quell.

Some two weeks before this occurrence, a negro of notoriously bad character, the steward of a small "two boiler" boat—the "Echo"—was arrested at the steamboat landing in Saint Louis, by the sheriff and one assistant, for some crime that he had committed.

As the two officers and their prisoner were ascending the steep hill at the landing, the latter drew a knife and stabbed the two former, killing the sheriff instantly, and apparently inflicting a mortal wound upon the deputy. The murderer then took refuge upon his boat, but was soon re-captured and lodged in jail.

The sheriff had been a man of great personal popularity, and the news of his death spread like wildfire over all the business portion of the city. Presently the tolling of a bell was heard, and in a few minutes an immense crowd of merchants, clerks, and steamboat-men assembled around the jail.

The person of the negro was demanded from the jailor, who, seeing all attempt at resistance useless, gave him up. The negro was then taken to the court-house, chained to a tree in front of it, and burned.

So deep a feeling seems to have pervaded the crowd that the whole affair was conducted in absolute silence. Without any organization or pre-arrangement, all was done as if by a single man. And when the deed was finished, they separated without a word, and went each his own way. Persons living within one block of the court-house knew nothing of it at the time.

Very striking, indeed, is the resemblance between this and the execution of Capt. Porteus, by the enraged citizens of the peaceful and law-abiding city of Edinburgh, during the regency of Queen Caroline, which is the first instance of the application of pure Lynch-law on record.

None of those engaged in the former affair were punished; for although the Queen, thoroughly aroused, declared that she would bring to justice all concerned in it, "and make Scotland a hunting ground," the cool reply of Argyle, "then, madam, I will go home and turn out my hounds," changed her Majesty's purpose, and she passed by the insult.

Indictments were found against many who had been engaged in the Saint Louis affair. They were brought to trial, and there was no want of testimony. All turned upon the charge of the Judge—whose name, singularly enough, was Lawless.

The charge was a strange one, and the substance of it as follows:

"If the deed was the violence of a mob it was wilful murder; but if the act of the people, then, as the makers of laws, they were superior to all law, and could not commit an offence."

They were acquitted.

The effect of this affair upon the people of Saint Louis was such as to preclude all danger of any more lynching. Some years after the citizens were excited quite as deeply from the terrible murder of two young men, by three free negroes and a slave. The victims were generally known and universally beloved and respected, and the attendant circumstances horrible in the extreme, but no attempt was made to interfere with the functions of the law.

As much as anything savoring of Lynch-law is to be deprecated, yet recent events in California, prove that circumstances may arise even in cities, where nothing but the prompt and determined action of the people can shield the lives and protect the property of the citizens, or even save the place itself from total destruction.

Whatever my readers may think, judging from my own knowledge in the premises, I am convinced, that under certain circumstances Lynch Law, although sometimes terribly misapplied, is nevertheless a dire necessity.

STEAM ON THE WESTERN WATERS.

STEAM

ON

THE WESTERN WATERS.

To institute a comparison between large and small things, New Orleans may be termed the "South Ferry" of the Mississippi, the frequent steamers arriving and departing reminding one of the omnibuses incessantly rattling up and dashing off; and the countless handbills on the posts, and boards upon the boats, announcing immediate departure for "Red River," "Bayou Tache," "Little Rock," "St. Louis," "Cincinnati," or "Pittsburgh," in the place of, "Broadway, right up," "Here's the Bowery," and "Bull's Head, just off, sir," of our jarvies.

The steamboat levee presents a strange, unwonted, and amusing sight to the Northern visitor. A hundred, more or less, huge boats all lie with their bows on to the land and pointing to the vast piles of cotton which they have disgorged, or to the unwieldy sugar puncheons or countless coffee bags which they are about to ingulf. In this position they look for all the world like so many mastiffs with their heads reclining upon their paws, quietly but intently watching each his bone. To keep up the illusion, ever and anon a low rumbling or impatient snort of steam answers to the growl or bark in which watchful canines are wont to indulge.

The Western boat bears no more resemblance to its Eastern congener, than does the Western man to the Eastern man of business. The Western boat dashes off under a full head, thrusting the water aside from her bows with violence, forcing her way against the opposing current by sheer strength, carrying aloft a murky banner that marks her progress to eyes distant miles and miles, and belching forth at regular intervals a shrill yell or a steam huzza, until the old forest rings again, and echo taking up the chorus, carries it far away, warning thousands of her coming.

The Eastern boat, on the contrary, like the Eastern man, goes quietly about her business, slips smoothly past all opposing obstacles, accomplishes quite as much as the other, and finally arrives at her journey's end without noise or disturbance, and as if she had done nothing unusual or unexpected.

The passing of a Mississippi boat near a river plantation is the signal for a general *émeute* on shore. In the foreground of the picture will appear a score of horses of all ages, from incipient colthood to exempt senility, all in a row, heads extended, eyes starting from their sockets, ears and mane erect, and feet braced forward in readiness for a sudden bolt.

The youngest invariably sounds the retreat, and with a snort, away scour the entire drove, carrying horizontal tails, wheeling into column every few rods for another look at the deep-throated and smoke-wreathed monster, and then off again for another scamper.

The negroes, hoe in hand, suspend operations, exhibit their ivory, and, hat or handkerchief waving, respond to the jovial shout or cheery *refrain* of the firemen, invariably tapering off with the African yah, yah! The overseer dashes down to the nearest point, and hails to know if they want any wood, or, perchance, if they will stop on their return trip and take off his sugar or cotton. The planter shouts aloud for news—"Who is President?" "What's cotton worth?" and, if he obtain an answer to his queries, is off in five minutes for the next town—made up of a store "of all sorts," with a post-office attachment, a *grocery*, and a blacksmith's-shop—to spread the news, himself an object of extra consideration for the day, while the chances are ten to one that the poor man has been terribly sold.

I mentioned the *refrain* of the firemen. Now, as a particular one is almost invariably sung by negroes when they have anything to do with or about a fire, whether it be while working at a New Orleans fire engine or crowding wood into the furnaces of a steamboat, whether they desire to make an extra racket at leaving or evince their joy at returning to a port, it may be worth recording; and here it is:—

"Fire on the quarter-deck,
Fire on the bow,
Fire on the gun-deck,
Fire down below."*

The last line is given by all hands with great voice and volume, and as for the chorus itself, you will never meet or pass a boat, you will never behold the departure or arrival of one, and you will never witness a New Orleans fire, without hearing it.

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* From Sir Walter Scott's "Pirate."

I have said that steamboats and steamboating in the West are very different from steamboating in the East. The Western boat is built for freight, the Eastern for passengers; at least, these are respectively the first objects to be gained. Speed both seek to obtain; the one by the application of immense power, and the other by a sharp, narrow model. Yet it is strange that the Western boat is immeasurably superior in its conveniences for the accommodation of voyagers, in fact, no other mode of travelling can compare with it for comfort and pleasure.

Their first cost is usually much less than that of the boats upon our Eastern rivers, but the expense of running—except upon the Ohio—is much greater, and the "wear and tear" at least treble. For instance, the distance from New Orleans to Louisville is some 1,250 miles, and a few years since seven days was deemed an extraordinary passage—in fact, but few boats could boast of as good;—and although I believe that the "up trip" is now occasionally made in about five, yet the traveller who spends but a week upon the voyage, has no just grounds for complaint. A large eight boiler boat will burn sixty cords of wood per day, at a cost of from three to four dollars per cord, thus incurring the expense of, say two hundred dollars per day, or from one thousand to fourteen hundred per trip. The expense for fuel in an Eastern boat is much less.

The first attempt to navigate the great Western waters, by steam, was made in 1812. A boat named the Experiment was built at or near Pittsburgh, and launched upon her perilous voyage. The pioneers in this enterprise were aware of the dangers to be apprehended from snags and sawyers, eddies and sand-bars, but they were to encounter an adversary as dreadful as it was unexpected: an earthquake, in this memorable year, extended its ravages throughout all the great valley of the Mississippi. It had been the intention of the navigators to have run their boat by daylight alone, hoping thus to avoid the snags with which the river literally bristled, but on turning the mouth of the Ohio, they found it even more dangerous to tie up their craft to trees on the bank, than it was to keep on and encounter dangers, against which, at least, they could use some precautions. Banks were caving in upon every side, acres of trees slid into the river, islands of sand arose as by magic in the very bed of the stream, and one morning the mighty Mississippi flowed over what had been a populous town but the preceding night. And so, through fogs and mists, by day and night, threading their course among sawyers amd planters, skirting boldly through the eddies, and by the sand-bars, they kept on their dangerous path, and at length reached the port of their destination in safety. Things have changed since then; the government has sent snag boats among these waters, and the fangs that have brought destruction on many a gallant boat and her crew have been extracted. These snag boats have a double bottom, like to our ferry boats. They run up to a snag or sawyer, from down stream, force it up straight, if it be inclined by the force of the current, fasten to it by a chain, and drawing it on the deck, it is cut by machinery into lengths of perhaps eight feet, and then cast overboard again, to do no more mischief. At Choctaw Point, a mile below Mobile, the shore is covered with these remains of snags, which by some means find their way around there.

Had I time and space, I should attempt a description of the various classes of modern boats, but let me here devote a page to a class of vessels now extinct, and of men who are nearly so. In the earlier days of steamboating in the West, the captains and pilots were men who had served their time and learned their trade upon broadhorns or keel boats, and a rough set they were. Almost born, and really educated upon the river, passing their days either in floating down stream, exposed to the various dangers of the voyage, or wearily working their boat up again in the face of the rapid current, liable at any time to be attacked by some one of the many gangs of robbers that infested all the region through which they passed, exposed to heat and cold, to snow and rain; plying the oar by day and the whiskey bottle and fiddle bow by night, they formed a class strictly *sui generis*, and a devil-may-care, roystering, ready-handed, and open-hearted one at that.

By these men were the earlier boats officered; and now for the boats themselves. Differing in every particular from those of the present time, they were built with hulls very clumsy indeed, but serviceable in resisting the attacks of the frequent snags. Their engines were all low pressure, and their cabins upon deck. Accidents were then of frequent occurrence, but almost invariably the result of a contact with a snag. Fires and explosions were then not so common as now, but perhaps the greatest proportional sacrifice of human life occurred after high pressure boilers were introduced, and before lower deck cabins were dispensed with. The captains were a fresh water variety of the old sea kings; doing pretty much what they pleased with boat and passengers, freight and wood-yards.

The pilots, then as now, were selected from flat and keel boatmen, and the mates, picked up at New Orleans, had previously filled a similar berth upon sea-going vessels. In all cases of disturbance, officers and crew fought for and clung to each other; all steamboatmen were at feud with flatboatmen, but when gamblers or any longshoremen interfered with the rights of either of them, all boatmen made a common cause, leaving the discussion of private quarrels until their mutual enemies were quelled.

Many tales are told of the exploits of these old river dogs, and among them at this moment I recal one of a certain Captain Russel, familiarly known as Dick Russel, who commanded the old Constellation in the palmy days of boating.

Russel was a man of great strength—one of those minor Samsons that are occasionally encountered in this degenerate age—and his courage was in proportion to his muscular power. The boat which he commanded had stopped at Natchez, "under-the-hill," for the night, and many of his passengers had gone on shore to see the fun going on among the various drinking, gambling, and dancing houses that made up the town, such as it was. Now the said fun was never over decorous, seldom over safe, and one of the said passengers made both discoveries at his cost. He was robbed of his pocket-book, which contained the proceeds of the sale of his flat-boat and cargo.

Early the next morning Russel was informed of the robbery, and sending for the loser requested all the particulars.

Having satisfied himself that the money was really lost, and that, too, in a notorious house, immediately opposite the boat, on shore he went, and marching bold as a lion into the den of thieves, demanded the pocket-book and contents of the proprietor. Of course the theft was denied, and the denial accompanied with many a threat of vengeance upon Russel, whose prowess, however, they were too well acquainted with to make any overt demonstration.

"I'll give you," said Russel, "until I get my boat ready to go to hand over the money, and then if *they* don't come the house shall." True to his word, just before the boat started, on shore he went again accompanied by a gang of deck hands, bearing the largest cable the steamer possesssed.

This was passed around the house and in and out some of the windows, and when all was ready Russel again demanded the book.

No answer but curses being returned, he jumped on board the boat, sung out to the pilot to "go ahead" and to the engineer "to work her slow," and off the boat moved very moderately.

The rope began to tighten, and the house to creak. Two minutes more would have done the business for building and people, when the latter signified their surrender, and pitched pocket-book and money out of the window.

A man who had been for many years a mate upon the river boats, and whom I fell in with in travelling, told me many amusing incidents of his life afloat, but among all his yarns one touching certain doings of two ancient pilots of the well-known old steamer Uncle Sam, amused me most.

The Uncle Sam was the largest boat of her day, and had two of the best pilots on the river. Between these two men, whom we will call for the nonce, Smith and Brown, there existed a bitter feeling of rivalry. The first engineer sided with Smith the first pilot; and the second engineer with Brown. One day when the boat was leaving Natchez, Brown, who was steering, ran her a short distance down stream in order to pass the town under a full head of steam. Just as he was abreast of it, the first engineer, who was working the boat, shut the steam nearly off: nor would he put it on again until they finally and very slowly passed the town.

Brown saw the finger of Smith in this manœuvre, and determined to be revenged in kind. He was. On the next down trip a heavy fog arose at sunset, and Smith who at that time abandoned the wheel to Brown, ordered him to run the boat until nine o'clock and then to tie her up; to have steam kept up all night; and, if the fog should lift, to call him.

"Tie the boat up!" exclaimed Brown. "I can run her in any such fog as there is to-night. I'll run her till twelve, and then tie up, as you are afraid."

"I can run her any night, and anywhere that you can," replied Smith;" "and if you *do* move her till twelve, call me then, that's all."

Brown kept on for a time, but the fog came on heavier and heavier, and having made sure that his coadjutor was fast asleep, he rounded the boat to at a wood yard and tied up. His friend, the second engineer, was on duty, and according to Brown's directions, the wheel was unshipped and the steam kept up. At twelve, Brown went to the wheel again, and sent a waiter to call Smith, who soon made his appearance, rubbing his eyes and anything but pleased at the prospect before him;—although, strictly speaking, prospect there was none, for he could not fairly discern the top of his nose for the fog.

"Hallo!" said Brown, "are you there? I've called you according to orders, and now I think you'd better just tie up and turn in again, or you'll make a smash up before morning."

Smith growled out that he was able to steer any boat in any fog, and took the wheel. Brown went below.

The boat was fast to the bank, but neither bank nor anything else could poor Smith see. The wheel which was ungeared, turned round and round with the swift current, and the splashes reached his ear, the hissing of the steam in her low pressure boilers sounded all right to him; so cursing his bad luck, Brown's obstinacy, and his own stupidity in accepting the banter, he turned his wheel now this way and now that, expecting every moment to hear and feel the boat crash against something. A thousand times, during his dreary watch, did he determine to give up his desperate undertaking, and as often did pride step in and prevent him; and so, finally, having made up his mind to let the worst come, he gave a tubular order to the engineer to work her very slow, and keep on —as he supposed.

About sunrise, Brown, accompanied by the Captain and other officers, ascended the hurricane deck.

"Hallo! Smith," said Brown, "is that you?"

"Yes, it is," replied Smith, crossly enough.

"You haven't been running all night, I reckon?" continued Brown.

"Can't you see I have?" answered Smith. "Don't you know where you are? If you don't, you had better get your eyes scrubbed out."

"No," returned Brown, "I can't say I do. Where are we?"

"Just above Natchez," was the reply.

"There's matey," said Brown. "You *have* done it this time, and I wouldn't be in your boots for a hogshead of niggers."

"What have I done, and what do you mean?" demanded Smith, ferociously.

"Done! Done enough!" roared Brown. "I left the boat tied up to old Jones's plantation, and if you have gone and towed *that* down to Natchez, they'll have you up for abduction, and sea-duction, and nigger stealing, and putting obstructions in the channel of the river, and the Law a marcy on ye."

A very moist ray of the sun peeping through the mist, at this moment, partially disclosed the situation of the boat and shore to the astonished and discomfited Smith, and darting below, he remained there until the boat *did* reach Natchez. And from that time ever after, neither the "Uncle Sam" nor the Mississippi river knew him more.

That steamboat accidents are more common in the United States than in any other part of the world, is unfortunately but too well known. Several reasons may be adduced why this is necessarily the case. Our steamboats very far exceed in number those of any other country, and the navigation of most of our rivers is dangerous in the extreme. The frequency of explosions upon our Western boats is owing in a great measure to their employing high pressure boilers and engines. Steam is generated with great rapidity by this mode, yet as long as the boat is in motion all is safe, but let a boat under a full head stop suddenly and there is always a danger of explosion; so much so indeed, that old stagers will generally be seen hurrying to the stern as soon as the engineer's bell is heard to command "stop her." These high-pressure boilers are long cylinders, resembling the huge smoke-pipes of an ocean steamer—except that the former are placed horizontally and the latter perpendicularly. Through them runs the flue, and if at any time the boat has enough "list" to cause the water to run from the outside boilers into the others—thus leaving the steam in contact with the red-hot flue—an instantaneous explosion is almost inevitable. The steam in this case is resolved into a combination of oxygen and hydrogen gases—and about as effective an agent of destruction as gunpowder. With regard to the frequent losses of boats by fire, these are too often the result of the manner in which they are built and freighted. The cabin is entirely above the deck, built of the lightest material, and always as dry as tinder, from the constant heat beneath. It only wants a full load of cotton to complete the danger. When a boat is fully freighted with this article she appears like a moving mass of cotton bales, no part of her hull being visible except the paddle-boxes.

Around the bows and upon the guards the bales are piled as high as the "hurricane deck." They almost touch the boilers, which are exposed and unprotected upon the forward deck, and generally surrounded by huge piles of wood, not unfrequently in absolute contact with them. A tier of cotton often adorns the hurricane deck itself, and needs but a spark from the smoke-pipe to convert the boat into a fiery furnace, from which the chance of escape is small indeed.

Travellers descending the Mississippi avoid these boats thus laden with cotton, but no one taking passage at Pittsburgh, Cincinnati, or St. Louis, can tell what the situation of the boat will be before she arrives at New Orleans. The lower country boats, the Natchez and Vicksburg packets, and those that ply up and down the Arkansas, Red River, and the bayous, during the latter part of autumn and the whole of the winter, all make their "down trip" loaded and overloaded with cotton, and the voyager must perforce submit to the danger and inconvenience attendant upon such a passage.

Accidents to Western boats seem to come in an epidemic form. For a month or two we hear of none, and then again every day's mail or rather telegraph will record some new calamity by fire, snags, or steam.

The list of boats destroyed and injured in 1850 I do not think is comparatively large, although when arrayed in figures it looks frightful enough. During the year there were fifty-three boats upon the Western waters, and 107 serious accidents occurred, as follows:—

33 boats sunk.
14 do. burned.
6 do. destroyed by explosion.
64 do. seriously injured.

Over 700 *persons lost their lives*, and property to the amount of 1,500,000 dollars was sacrificed. During the summer of 1841 on the Mississippi between the mouth of the Ohio and St. Louis, thirty boats were snagged and sunk, in fact a great part of the then St. Louis fleet was lost. That this was the case can excite no wonder in the mind of any one who has sailed upon the upper Mississippi in a time of very low water. The river, which at other times presents an appearance of majestic and solemn grandeur, as it rolls its grey waves through the immense and seemingly boundless forests that clothe its sides, then seems equally horrible and disgusting. The once majestic tide retreats into a thousand narrow and sinuous channels, leaving an enormous field of mud and sand literally bristling with the now apparent snags, for the traveller to feast his eyes upon. In every direction he will see wrecks of mired boats, and tremble lest the next hour may add his own to their number. One spot above Cairo is known—and justly—as the "Grave Yard;" and the bottom is paved with the bones of lost steamers.

It may appear singular, but the danger to be apprehended from explosion is much less than that from snagging or fire. A collapsed flue does its work instantaneously, and all is over, but a fire or the sinking of a boat gives the passengers time to see the danger; and then in place of adopting some proper mode of saving their lives, nine out of ten will from fear and want of presence of mind, jump overboard without anything to sustain them in the water, or more probably remain on the boat until too late to escape. The effect of fear upon some men is singular; often ludicrous. Two instances that occurred in my sight are exactly in point.

I was once descending the Mississippi river in the "Brian Boirhoime." The boat was new, and being intended for the Red River trade, had no regular pilots, as the price they demanded to make half a trip and then to be left at New Orleans, without a boat, was so unreasonable that the captain determined to steer the boat himself with the assistance of a Red River pilot who was on board.

All went on very well until we turned the mouth of the Ohio, and the captain abandoned the wheel to the care of his assistant, with full directions how to run the boat for a few hours. It was a clear starlight night, and we were ploughing our way down stream famously, under a full head of steam, when suddenly a tremendous jar threw nearly everybody and everything in the cabin on their beam ends, and every one thought or said, "We have struck a snag!"

I am an old stager upon the river, and never enter a boat without fixing my eye upon something that can be used as a support in case I have to swim for it. As I ascended the Brian's cabin stairs, the first thing that I saw was a very snug washstand which was upon the guards and almost against the paddle-box. As soon as I could pick myself up I hastened to my washstand, and there I remained until it was discovered that we had met with no more serious disaster than running full against a "bluff bar." A young man of perhaps twenty had previously attracted the attention of all the passengers, from his peculiarly Daniel Lambertish proportions. At the time that we struck he was in a very sound sleep, but being aroused by the subsequent confusion, jumped up and dashed into the cabin in a paroxysm of fear. He looked around him one moment, and ran out at top speed upon the boiler deck, then turning around upon the guards rushed past me and ran up the paddle-box to get upon the hurricane deck. From the latter a short pipe carried down the water into the wheel-house. This was painted white, and seemed to the terrified sight of my fat friend a sturdy pillar, and just the thing to help his descent. As he seized it his foot slipped, the pipe gave way, and down he rolled, pipe in hand, struck on the guards, rolled over once more, which last turn brought him to the cabin stairs, down these he plunged, struck a fender that happened to hang up at their foot, and landed directly underneath the boiler. The deck-hands seized him and drew him from his warm berth, but the moment he was on his feet he made an attempt to jump overboard. When he was brought up into the cabin he presented a very odd appearance, covered with dirt, and yet grasping very tightly his infirm but constant friend, the pipe.

The other case was that of a man upon the small steamer "Mechanic." The boat was making her way slowly up against a very strong current, and when opposite Plaquemine she struck a large log that gave her a pretty severe jar.

It was about midnight, and the man—a Texan recruit—had spread his blanket upon the hurricane deck near the pilot-house, and was fast asleep. The moment the boat struck up he jumped, and without stopping to ask any questions, ran the full length of the deck and sprang overboard. Being a very good swimmer he was saved, although such good fortune would have befallen but few. The old river men have a saying, that "the Mississippi never lets go of a man who has clothes on," and it is generally true.

THE END.